



Revised

PUBLIC NOTICE is hereby given that pursuant to Utah Governor Gary R. Herbert’s Executive Order 2020-1, the Cache County Planning Commission will hold an **ELECTRONIC PUBLIC MEETING** on **THURSDAY, MAY 7, 2020** via **ZOOM** Webinar at the following link: <https://zoom.us/j/87672532776>

Instructions for downloading and using **ZOOM** can be found at <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting> If you have downloaded ZOOM, you may join the meeting by using Webinar ID: 876 7253 2776.

To join by Telephone:

Dial (for higher quality, dial a number based on your current location):

US: [+1 253 215 8782](tel:+12532158782) or +1 346 248 7799 or [+1 669 900 6833](tel:+16699006833) or [+1 301 715 8592](tel:+13017158592) or [+1 312 626 6799](tel:+13126266799) or [+1 929 205 6099](tel:+19292056099)

Webinar ID: 876 7253 2776

Participant ID: 185420

CACHE COUNTY COUNCIL CHAMBERS WILL BE CLOSED TO IN-PERSON ATTENDANCE

5:30 p.m.

Call to order

Opening remarks/Pledge – Brady Christensen

Review and approval of agenda

Review and approval of the minutes of the 5 March 2020 meeting

5:35 p.m.

Items of Special Interest

1. **Electronic Board Meeting Policies and Procedures** – Adopt policies and procedures to conduct an electronic public meeting in conformation with the Utah Governor’s Executive Order in response to the Covid-19 virus social distancing precautions.

Regular Action Items

2. **Cache County North Facility Conditional Use Permit** – A request to operate a storage and warehousing facility on 4.93 acres located at approximately 161 East State Route 142, near Richmond, in the Industrial (I) Zone.
3. **West Canyon Ranch Processing Conditional Use Permit** – A request to operate an agritourism facility on 3,372 acres located at approximately 215 West Canyon Road, Avon, in the Forest Recreation (FR40) and Agricultural (A10) Zones.



4. **Trout of Paradise Conditional Use Permit Amended** – A request to amend an existing Conditional Use Permit to operate a recreational facility on 29.48 acres located at 750 West 8700 South, near Paradise, in the Agricultural (A10) Zone.
5. **Advanced Shoring LLC Conditional Use Permit Amended** – A request to amend a previously approved, but not recorded, Conditional Use Permit to operate a storage and warehousing facility on 10 acres located at 4350 South 1500 North, near Nibley, in the Industrial (I) Zone.
6. **Public Hearing (6:00 PM) – North Pine Canyon Ranch Rezone** – A request to rezone 71 acres located on two parcels with split zoning within an approved subdivision at approximately 5500 West 4600 South, Wellsville, from the Forest Recreation (FR40) Zone to the Agricultural (A10) Zone.
7. **Public Hearing (6:10 PM) – Pinnacle Estates LLC Rezone** – A request to rezone 30.10 acres located at 190 South 300 West, Mendon, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
8. **Jay R’s Auto and Salvage Conditional Use Permit Revocation Review** – A review of the Jay R’s Auto and Salvage Conditional Use Permit to determine if conditions exist that may result in the revocation of the permit.

Board Member Reports
Staff reports
Adjourn



Due to the on-going COVID-19 virus, the 4:45 PM Workshop & Light Refreshments has been canceled. The Planning Commission meeting is currently scheduled to take place at the Council Chambers where social-distancing protocols will be in place. However, check the County website 24 hours prior to the meeting date and time for any changes including moving to an on-line format.

5:30 p.m.

Call to order

Opening remarks/Pledge – Brady Christensen

Review and approval of agenda

Review and approval of the minutes of the 5 March 2020 meeting

5:35 p.m.

Items of Special Interest

1. **Electronic Board Meeting Policies and Procedures** – Adopt policies and procedures to conduct an electronic public meeting in conformation with the Utah Governor’s Executive Order in response to the Covid-19 virus social distancing precautions.

Regular Action Items

2. **Cache County North Facility Conditional Use Permit** – A request to operate a storage and warehousing facility on 4.93 acres located at approximately 161 East State Route 142, near Richmond, in the Industrial (I) Zone.
3. **West Canyon Ranch Processing Conditional Use Permit** – A request to operate an agritourism facility on 3,372 acres located at approximately 215 West Canyon Road, Avon, in the Forest Recreation (FR40) and Agricultural (A10) Zones.
4. **Trout of Paradise Conditional Use Permit Amended** – A request to amend an existing Conditional Use Permit to operate a recreational facility on 29.48 acres located at 750 West 8700 South, near Paradise, in the Agricultural (A10) Zone.
5. **Advanced Shoring LLC Conditional Use Permit Amended** – A request to amend a previously approved, but not recorded, Conditional Use Permit to operate a storage and warehousing facility on 10 acres located at 4350 South 1500 North, near Nibley, in the Industrial (I) Zone.
6. **Public Hearing (6:00 PM) – North Pine Canyon Ranch Rezone** – A request to rezone 71 acres located on two parcels with split zoning within an approved subdivision at approximately 5500 West 4600 South, Wellsville, from the Forest Recreation (FR40) Zone to the Agricultural (A10) Zone.



7. **Public Hearing (6:10 PM) – Pinnacle Estates LLC Rezone** – A request to rezone 30.10 acres located at 190 South 300 West, Mendon, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
8. **Jay R’s Auto and Salvage Conditional Use Permit Revocation Review** – A review of the Jay R’s Auto and Salvage Conditional Use Permit to determine if conditions exist that may result in the revocation of the permit.

Board Member Reports

Staff reports

Adjourn



Item

Page

Consent Items

- 1. Hills of Home Subdivision – Extension Request..... 2
- 2. One Sixty Five Subdivision 1st Amendment..... 2
- 3. Jeff West Subdivision..... 2

Regular Action Items

- 4. Public Hearing (5:35 PM): North Cache County Public Works Rezone 2
- 5. Public Hearing (5:45 PM): Bar ES LLC Commercial Rezone 4
- 6. Whisper Ridge Conditional Use Permit Revocation Review Update 5

Present: Angie Zetterquist, Lane Parker, Phillip Olsen, Brady Christensen, Nolan Gunnell, Chris Sands, Brandon Spackman, Jason Watterson, Jon White, John Luthy, Megan Izatt

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

2 **Gunnell** called the meeting to order and **Watterson** gave the opening remarks.

3 **05:33:00**

4 **Agenda**

5 Approved with no changes.

6 **05:34:00**

7 **Minutes**

8 *Christensen* motioned to approve the minutes from February 6, 2020; *Parker* seconded; **Passed 7, 0.**

9 **05:34:00**

10 **Consent Agenda**

11 **#1 Hills of Home Subdivision – Extension Request**

12 **#2 One Sixty Five Subdivision 1st Amendment**

13 **#3 Jeff West Subdivision**

14 *Watterson* motioned to approve the consent agenda; *Olsen* seconded; **Passed 7, 0.**

15 **05:35:00**

16 **Regular Items**

17 **#4 Public Hearing (5:35 PM): North Cache County Public Works Rezone**

18 **Zetterquist** reviewed the staff report for the North Cache County Public Works Rezone

19 **Staff** and **Commission** discussed the intent of the rezone and water access.

20 **05:43:00**

21 *Christensen* motioned to open the public hearing; *Spackman* seconded; **Passed 7, 0.**

22 **Terry Wierenga** identified herself as a Richmond City Council Member and commented that Richmond

23 City is not opposed to the rezone but the final sale has not happened as it must still be heard and

24 approved by the City Council.

25 **Christensen** asked if the land was in the city boundary.

- 1 **Ms. Wierenga** stated the rezone is out of the city boundaries.
- 2 **Christensen** asked about water.
- 3 **Ms. Wierenga** commented on access to water from the treatment facility, road access, and wear and tear
- 4 on underground effluent lines from the treatment facility.
- 5 **Watterson** asked if the water would be culinary.
- 6 **Ms. Wierenga** stated it would not be culinary water.
- 7 **Sands** asked about restrooms.
- 8 **Ms. Wierenga** stated the water used is from the waste water treatment facility, which is highly treated.
- 9 **Spackman** asked about fire suppression.
- 10 **Ms. Wierenga** stated that would be worked out in time.
- 11 **Zan Murray** stated he is in charge of this project and commented on discussions with Richmond City,
- 12 water, minimal landscape, dust control, fire suppression, culinary water and storage, salt and sand
- 13 storage, drainage and installation of 2 culverts, easements for future effluent lines and access, and the
- 14 storm water pollution prevention plan.
- 15 **Watterson** asked about the lay down area.
- 16 **Mr. Murray** stated it would be road base lay down area.
- 17 **Sands** asked who currently owns the land.
- 18 **Mr. Murray** stated Richmond City.
- 19 **Olsen** asked if a repair and mechanic facility would be on site.
- 20 **Mr. Murray** stated no.
- 21 **Sands** asked about fuel storage.
- 22 **Mr. Murray** stated no storage of fuel on site. All repairs and wash down of equipment will be done at
- 23 the south facility.
- 24 **Spackman** asked about the size of the building.
- 25 **Mr. Murray** stated about 6,000 sq ft.
- 26 **Spackman** asked about fire suppression.
- 27 **Mr. Murray** responded to questions about fire suppression and pumping water from the treatment
- 28 facility.
- 29 **Watterson** asked if the water would come from the plant or lagoons.

1 **Mr. Murray** stated it would be from the plant.

2 **Spackman** asked about storage of water for fire suppression.

3 **Mr. Murray** stated they had been working with Jason Winn from the fire district to determine the water
4 needs for fire suppression.

5 **Watterson** asked about drainage and the pipe needed for that.

6 **Mr. Murray** responded the drainage would be taken care of and the pipe extended.

7 **Watterson** asked about wetlands delineation.

8 **Mr. Murray** responded they had met about wetlands and didn't see the need for wetlands delineation but
9 would follow up on that.

10 **06:03:00**

11 *Sands* motioned to close the public hearing; *Christensen* seconded; **Passed 7, 0.**

12 **Staff** and **Commission** discussed what is allowed in the agricultural zone.

13 *Parker* motioned to recommend approval to the County Council for the North Cache County Public
14 Works Rezone with the option 1 conclusion; *Watterson* seconded; **Passed 6, 1 (Spackman voted nay).**

15 **06:06:00**

16 **#5 Public Hearing (5:45 PM): Bar ES LLC Commercial Rezone**

17 **Zetterquist** reviewed the staff report for the Bar ES LLC Commercial Rezone.

18 **Staff** and **Commission** looked at the surrounding area.

19 **06:12:00**

20 *Olsen* motioned to open the public hearing; *Spackman* seconded; **Passed 7, 0.**

21 **Cathy Code** gave an overview of the company requesting the rezone. There would be an IVF facility for
22 cattle, and a small veterinarian building on site, along with some other small enterprises. Access was also
23 reviewed.

24 **Watterson** asked about the canal located near the property.

25 **Chuck Schvaneveldt** commented on that the canal would be left alone.

26 **Christensen** commented on access from 3200 West.

27 **Mr. Schvaneveldt** stated they are willing to do whatever is needed for access.

28 **Sands** commented on needing more information on the road before access could be determined and
29 asked what the buildings would be used for.

1 **Ms. Code** stated the buildings are labs.

2 **Sands** asked about the number of employees.

3 **Ms. Code** responded 4 employees would be at the IVF lab.

4 **Gunnell** asked about the veterinarian office.

5 **Ms. Code** responded the office would be a commercial office but with limited use by the public so the
6 vet is available for the company's animals.

7 **Sands** commented on what can happen to the property if zoned commercial.

8 **06:22:00**

9 **Heber Lundberg** commented he is a local property owner and mentioned he has no complaints with this
10 enterprise.

11 **Sands** asked about utilities.

12 **Ms. Code** stated there has been an artesian well on site and would probably use solar power.

13 **Mr. Schvaneveldt** commented there would be a septic system and they would re-drill the artesian well.

14 **Gunnell** asked if the Hunters Ed building shared a boundary.

15 **Mr. Schvaneveldt** stated yes.

16 **Sands** commented on the need for a parking study if the process goes forward.

17 **Mr. Schvaneveldt** commented on where they would like to locate the entrance.

18 **06:24:00**

19 *Watterson* motioned to close the public hearing; *Sands* seconded; **Passed 7, 0.**

20 **Staff** and **Commissioners** discussed location, roads and increasing traffic in the area.

21 *Watterson* motioned to recommend approval to the County Council for the Bar ES LLC Commercial
22 Rezone with the option 1 conclusion as written; *Christensen* seconded; **Passed 7, 0.**

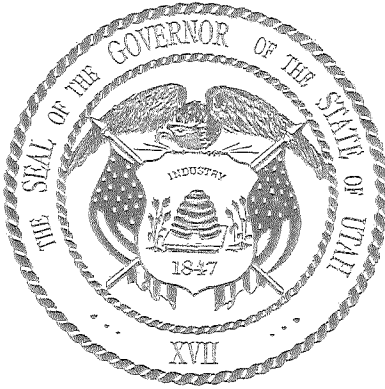
23 **06:35:00**

24 **#6 Whisper Ridge Conditional Use Permit Revocation Review Update**

25 **Staff** and **Commission** discussed the map submitted by the DWR.

26 **Dayson Johnson** commented on the DWR map, all skiing happens to the west of the sage grouse map.
27 There is one location for the heli-fishing that is in the map area but DWR stated there was no
28 encumbrance on the sage grouse with that location. The company is still working with BioWest.

- 1 **Christensen** asked if there was any outreach to the Army Corps.
- 2 **Mr. Johnson** stated that doesn't happen until after the wetlands study.
- 3 **Sands** responded it is several months out before anyone can even go look at the site.
- 4 **Gunnell** asked about the DWR letter.
- 5 **Mr. Johnson** stated yes, there are no concerns and that the helicopter stays at 500 feet above these areas
- 6 except for weather or emergencies.
- 7 **Christensen** asked about the comments to Weber County referenced to the DWR.
- 8 **Mr. Johnson** stated they have a CUP in Weber County.
- 9 **Commissioners** discussed the language of the DWR letter.
- 10 **Mr. Johnson** stated currently most of the skiing is happening on Coldwater.
- 11 **Christensen** asked about the season length.
- 12 **Mr. Johnson** stated amendment 2 has been recorded which allows the company to operate on La Plata
- 13 for Heli-Skiing. The bike trail and pond are still out of compliance.
- 14 **Christensen** asked about access to La Plata.
- 15 **Mr. Johnson** responded amendment 2 has been recorded so allows the company to operate on La Plata.
- 16 **Christensen** asked what would be reported in the next 30 days.
- 17 **Mr. Johnson** stated at this point it would be flight logs being reported.
- 18 **White** asked when skiing would need to be finished according to the CUP.
- 19 **Mr. Johnson** stated they can ski until the end of April.
- 20 **Christensen** asked about the second amendment.
- 21 **Mr. Johnson** commented that the 2nd amendment allowed skiing on La Plata and heli-fishing. Another
- 22 CUP will hopefully be forth coming to permit the biking.
- 23 **Christensen** motioned to continue the Whisper Ridge Conditional Use Permit Revocation Review Update
- 24 to the June meeting with any progress being reported to staff; **Olsen** seconded; **Passed 6, 0 (Sands**
- 25 **abstained)**
- 26 **06:54:00**
- 27 **Adjourned**



Gary Richard Herbert

Governor

EXECUTIVE ORDER

Suspending the Enforcement of Provisions of Utah Code §§ 52-4-202 and 52-4-207, and Related State Agency Orders, Rules, and Regulations, Due to Infectious Disease COVID-19 Novel Coronavirus

WHEREAS, On March 6, 2020, Governor Gary R. Herbert issued an Executive Order declaring a state of emergency due to novel coronavirus disease 2019 (COVID-19);

WHEREAS, On March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic;

WHEREAS, On March 13, 2020, President Donald J. Trump declared a national state of emergency based on the continuing spread of COVID-19;

WHEREAS, Federal, state, and local authorities have recommended that individuals limit public gatherings and that individuals experiencing symptoms of COVID-19 self-isolate to prevent and control the continuing spread of COVID-19;

WHEREAS, The public monitoring and participation requirements in the Open and Public Meetings Act, Utah Code § 52-4-101 et seq. (OPMA), will gather interested persons, members of the public, and members of a public body in a single, confined location where the risks of further spreading COVID-19 are far greater;

WHEREAS, Utah Code § 52-4-207(2) prohibits a public body from holding an electronic meeting unless the public body has adopted a resolution, rule, or ordinance governing the use of electronic meetings;

WHEREAS, Utah Code §§ 52-4-207(3)(a)(ii), (c), (d), and (e) require a public body to take certain actions regarding anchor locations associated with an electronic meeting where members of the public body, interested persons, or the public are required or permitted to gather;

WHEREAS, Utah Code § 52-4-202(3)(a)(i)(A), requires a public body to give public notice of a meeting by posting written notice at the principal office of the public body or specified body, or if no principal office exists, at the building where the meeting is to be held;

WHEREAS, Utah Code §§ 52-4-202(3)(a)(i)(A), 207(2), 207(3)(a)(ii), 207(3)(c), 207(3)(d), and 207(3)(e) limit the ability of public bodies to hold electronic meetings and thereby implement the recommendations of federal, state, and local authorities to limit gatherings and encourage self-isolation in order to prevent and control the continuing spread of COVID-19;

WHEREAS, Strict compliance with the provisions of any order, rule, or regulation of any state agency implementing or conforming with Utah Code §§ 52-4-202(3)(a)(i)(A), 207(2), 207(3)(a)(ii), 207(3)(c), 207(3)(d), and 207(3)(e) would substantially prevent, hinder, or delay necessary action in coping with the continuing spread of COVID-19;

WHEREAS, Suspending the enforcement of Utah Code §§ 52-4-202(3)(a)(i)(A), 207(2), 207(3)(a)(ii), 207(3)(c), 207(3)(d), 207(3)(e), and any provision of any order, rule, or regulation of any state agency to the extent that the order, rule, or regulation implements or conforms with

these subsections is directly related to and necessary to address the state of emergency declared due to COVID-19;

WHEREAS, Utah Code § 53-2a-209(4) authorizes the governor to suspend by executive order enforcement of a statute that is directly related to and necessary to address a state of emergency;

WHEREAS, Utah Code § 53-2a-209(3) authorizes the governor to suspend the provisions of any order, rule, or regulation of any state agency, if the strict compliance with the provisions of the order, rule, or regulation would substantially prevent, hinder, or delay necessary action in coping with the emergency or disaster;

WHEREAS, Utah Code § 53-2a-204(1)(b) authorizes the governor to employ measures and give direction to state and local officers and agencies that are reasonable and necessary to secure compliance with orders made pursuant to part 2 of the Emergency Management Act;

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, hereby order the suspension of enforcement of Utah Code §§ 52-4-202(3)(a)(i)(A), 207(2), 207(3)(a)(ii), 207(3)(c), 207(3)(d), and 207(3)(e), and the suspension of any provision of any order, rule, or regulation of any state agency to the extent that the order, rule, or regulation implements or conforms with these subsections.

Accordingly, a public body governed by OPMA may hold an electronic meeting even if the public body has not adopted a resolution, rule, or ordinance governing the use of electronic meetings. Furthermore, a public body that convenes or conducts an electronic meeting is not required to:

1. post written notice at the principal office of the public body or specified body, or if no principal office exists, at the building where the meeting is to be held;
2. post written notice at an anchor location;
3. establish one or more anchor locations for the public meeting, at least one of which is in the building and political subdivision where the public body would normally meet if they were not holding an electronic meeting;
4. provide space and facilities at an anchor location so that interested persons and the public may physically attend and monitor the open portions of the meeting; or
5. if comments from the public will be accepted during the electronic meeting, provide space and facilities at an anchor location so that interested persons and the public may physically attend, monitor, and participate in the open portions of the meeting.

Notwithstanding the foregoing, a public body that holds an electronic meeting shall:

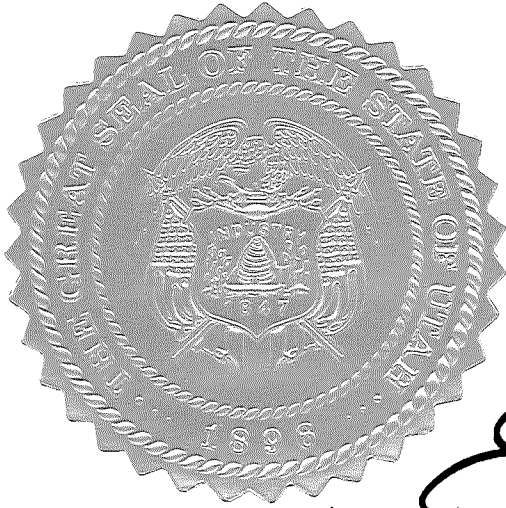
1. provide a means by which interested persons and the public may remotely hear or observe, live, by audio or video transmission the open portions of the meeting;
2. if comments from the public will be accepted during the electronic meeting, provide a means by which interested persons and the public participating remotely may ask questions and make comments by electronic means in the open portions of the meeting; and
3. if the public body has not adopted a resolution, rule, or ordinance governing the use of electronic meetings, adopt as soon as practicable a resolution, rule, or ordinance, which may be adopted at an electronic meeting pursuant to this Order,

governing the use of electronic meetings in accordance with Utah Code § 52-4-207.

A public hearing governed by OPMA may be conducted electronically according to the exemptions and conditions in this Order.

Except for provisions specifically suspended above, nothing in this Order shall be construed to exempt or excuse a public body from giving public notice of an electronic meeting as otherwise required by Utah Code §§ 52-4-207(3)(a)(i) and (3)(b).

This Order shall remain in effect until the termination of the state of emergency declared in Executive Order 2020-1.



IN TESTIMONY, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this 18th day of March 2020.

A handwritten signature in black ink, appearing to read "Gary R. Herbert".

Gary R. Herbert
Governor

A handwritten signature in black ink, appearing to read "Spencer J. Cox".

Spencer J. Cox
Lieutenant Governor

Attest:



Article 1 - Objectives

- 1-1.** This commission, established in conformance with the motion adopted by the Cache County Commission on the 20th day of December, 1950, has adopted the following Articles in order to facilitate its powers and duties in accordance with the provisions of State Code Ann. §17-27a Part 3.
- 1-2.** The official title of this Commission shall be the "Cache County Planning Commission".

Article 2 - Members

- 2-1.** The Cache County Planning Commission shall consist of (7) voting members. A member of the County Council shall be appointed as an ex-officio member of the Planning Commission and shall be a non-voting member. The Director of Development Services shall serve as an ex-officio member of the Planning Commission and shall be a non-voting member.
- 2-2.** The term of the member from the County Council shall be a one-year term or as otherwise designated. As the term of the members first appointed to this Commission, or their replacements, expire, their successors shall be appointed for terms of three (3) years or to fulfill the previously designated term. Each member shall be recommended by the County Executive and evaluated and confirmed by the County Council prior to their appointment or reappointment to the Planning Commission.
- 2-3.** The Council may provide for the payment of expenses and a reasonable compensation for members of the Commission who are not County employees.

Article 3 - Officers and Their Selection

- 3-1.** The officers of the Planning Commission shall consist of a Chair, a Vice-Chair, and a Secretary. If no Secretary is elected from among the serving Planning Commissioners, the Director of Development Services, or their designee, will serve as Secretary of the Commission.
- 3-2.** Nomination of officers shall be made by the general membership of the Planning Commission at the regularly scheduled December meeting of the Commission each year. The election of officers shall follow immediately.
- 3-3.** A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected. He/She shall take office January 1st, the following year and serve for one (1) year or until their successor shall take office.

Article 4 - Duties of Officers

- 4-1.** The Chair shall be an appointed member of the Commission and shall:
- 4-1-1.** Preside at all meetings.
 - 4-1-2.** Appoint committees, special and/or standing and liaisons.
 - 4-1-3.** Rule on all procedural questions (subject to a reversal by a majority vote of the members present).
 - 4-1-4.** Be informed immediately of any official communication and report same at the next regular meeting.

- 4-1-5.** Represent the Commission before the County Council and other public bodies except when this responsibility has been delegated to an appropriate official or Commission member.
 - 4-1-6.** Carry out other duties as assigned by the Commission.
 - 4-1-7.** Fill any vacancies in the offices of Vice-Chair or Secretary by appointment lasting through January 1st of the following year.
- 4-2.** The Vice-Chair shall be an appointed member of the Commission and shall:
 - 4-2-1.** Act in the absence or inability of the Chair to act.
 - 4-2-2.** Have the powers to function in the same capacity as the Chair in cases of the Chair's inability to act.
 - 4-2-3.** Fill immediately any vacancy in the office of Chair through January 1st of the following year.
 - 4-2-4.** Be responsible for the orientation of new members of the Commission.
- 4-3.** The Secretary shall:
 - 4-3-1.** Keep a written record of all business transacted by the Commission.
 - 4-3-2.** Keep a file of all official records and reports of the Commission.
 - 4-3-3.** Certify all minutes of the Commission.
 - 4-3-4.** Give notice of all hearings and public meetings.
 - 4-3-5.** Attend to the correspondence of the Commission.
 - 4-3-6.** Keep a set of minutes.
 - 4-3-7.** Prepare and be responsible for the publishing of all advertisements relating to public hearings.
 - 4-3-8.** If the Secretary is an appointed member of the Commission, the Secretary may, with the consent of the Commission, delegate any of the above responsibilities of the Secretary to the Director of Development Services (or similar official), except that the certification of minutes of the Commission may not be delegated.

Article 5 - Standing and Special Committees

- 5-1.** Any standing committees may be appointed by the Chair.
- 5-2.** Any special committees may be appointed by the Chair and shall function for a duration as set by the Chair. The duties and responsibilities of any special committee shall be clearly defined and outlined at a regularly scheduled Planning Commission meeting.
- 5-3.** Each standing and special committee shall prepare a written report of meetings held to become a part of the permanent records of the Commission.

Article 6 - Meetings

- 6-1.** Regular meetings of the Commission shall be held on the first Thursday of each month, commencing at 5:30pm and ending at 8:00pm. Meetings may be extended beyond 8:00 p.m. With the approval of a majority of the members present. When a meeting date falls on a legal holiday, the meeting shall be held on the week following unless otherwise designated by the Commission.
 - 6-1-1.** Commission public hearings shall be held during the regular meeting on the first Thursday of each month.
- 6-2.** Special meetings shall be called at the request of the Chair or at the request of any three members of the Commission. Written notice which states the time and purpose of the special meeting shall be given to each member at least five (5) days prior to such meetings. Noticing of special meetings shall be made in compliance with State Code Ann. §17-27a Part 2 and §17-53 Part 4.

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

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

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

6-6. Electronic Meetings

6-6-1. A Commission meeting may be convened and conducted by means of telephonic, telecommunications, or computer conference by satisfying the requirements of Utah Code Ann. § 52-4-207.

6-6-2. The primary purpose for holding electronic meetings is to enable members of the Commission to participate in the meeting electronically. Provision may be made for a member of the public to monitor an open meeting of the Commission through electronic means, provided that the County will not be required to acquire any equipment, facilities or expertise which the County does not already possess in order to accommodate the request. Notwithstanding anything to the contrary in this Policy, with the exception of a public hearing, the general public and other interested persons need not be provided an opportunity to participate in, as opposed to attend and monitor, an electronic meeting.

6-6-3. Not less than 24 hour advance public notice, including the agenda, date, time, location, and a description of how the Commission Members will be connected to the electronic meeting, will be given for each electronic meeting of the Commission by posting a written notice at the principal office of the County, or at the building where the meeting is to be held, and providing written or electronic notice to at least one newspaper of general circulation in the County, and by posting the notice on the Utah Public Notice Website created under Utah Code Ann. § 63F-1-701. In addition, the notice must be provided to all Commission Members at least 24 hours before the meeting. These notice requirements are minimum requirements and are not to be construed as precluding such additional postings and notifications as may be directed by the Commission.

6-6-4. The Chair, or the Vice-Chair in the Chair's absence, may determine, based upon budget or logistical considerations, that it is not in the best interest of the County to hold an electronic meeting, in which event the meeting will not be held as an electronic meeting. The Chair, or the Vice-Chair in the Chair's absence, may also restrict the number of separate electronic connections that are allowed for an electronic meeting based on available equipment capacity. The request from a member of the public to participate in a meeting electronically may be denied by the Chair, or Vice-Chair in the Chair's absence, based on budget, public policy, or logistical considerations deemed sufficient by the Chair or Vice-Chair.

6-6-5. No action may be taken and no business may be conducted at a meeting of the Commission unless a quorum, consisting of a simple majority of the members of the Commission, is present. A Commission Member who is not physically present may nevertheless participate in the meeting through electronic means and be counted toward

the required quorum in accordance with Utah Code Ann. § 52-4-207. Any Commission Member participating via electronic means may make, second, and vote on all motions and participate in the discussion as though present.

Article 7 - Order of Business

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

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

7-1-2. Roll call by the Secretary

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

7-1-3. Approval of agenda

7-1-4. Approval of minutes

7-1-5. Report of the Secretary

7-1-6. Consent Agenda

7-1-9. Agenda Items

7-1-9-1. Public Comment

7-1-9-2. Public Hearings

7-1-10. Report of Special Committees

7-1-11. Liaison Reports

7-1-12. Zoning Administrator's Report

7-1-13. Adjournment

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

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

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

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

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

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

Article 8 – Communication and Correspondence

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

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

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

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

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

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

Article 9 - Amendments

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

Staff Report: Cache County North Facility CUP

7 May 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: Matt Phillips, Cache County
Staff Determination: Approval with conditions
Type of Action: Administrative
Land Use Authority: Planning Commission

Parcel ID#: 09-066-0015

LOCATION

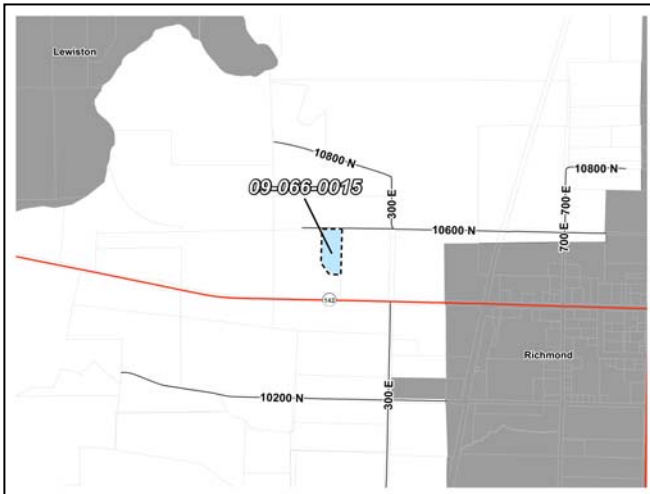
Reviewed by Angie Zetterquist

Project Address:
 161 East SR 142
 Richmond
Current Zoning:
 Industrial (I) Zone

Acres: 4.93

Surrounding Uses:

North – Agricultural
 South – SR 142
 East – Agricultural
 West – Richmond sewage lagoons



FINDINGS OF FACT (31)

A. Request description

1. The Cache County North Facility Conditional Use Permit (CUP) is a request to operate a storage and warehousing facility (Use Type 3400) on a 4.93 acre parcel located in the Industrial (I) Zone.
2. County Council approved a rezone of the subject property from Agricultural (A10) to Industrial (I) in April 2020 and the applicant is now seeking to establish a storage and warehousing facility on the parcel.
3. Per the Letter of Intent (Attachment A), the applicant currently operates the County Road and Vegetation Management Departments out of a building in Logan, but will be relocating to a location in Hyrum that is under construction. In order to improve overall operations, improve response time, and decrease travel, the applicant is proposing to construct a smaller facility in

the north end of the valley. Negotiations have been ongoing with Richmond City to purchase the subject property for this north valley location. The proposed facility will be used to store maintenance and construction equipment, and stock pile materials. *See condition #1*

a. Construction

- i.** Proposed improvements to the subject property will consist of a 6,000-square-foot vehicle storage building and a 2,400 square-foot salt storage facility. In addition to the structures, there will be an 8-stall parking lot, various concrete pads for material storage, and security fencing. (Attachment B) *See condition #2*
- ii.** The vehicle storage building will have a small office, mechanical room, and restroom.
- iii.** Sewer service will be provided by Richmond City and culinary water will be accessed by on an onsite storage tank inside the building.
- iv.** Treated effluent from the Richmond City treatment plant may also be used for non-culinary water for dust control and construction materials.
- v.** A 25,000-gallon storage tank will be used for fire suppression as required by the Cache County Fire Department. *See condition #3*
- vi.** The site will be included in the County Facilities and a Storm Water Pollution Prevention Plan (SWPPP) will be prepared for the site that addresses stormwater runoff, spill prevention, good housekeeping measures, and other requirements of the State for a County MS4 permit. *See condition #4*

b. Operation

- i.** The applicant states that proposed facility will be used to store maintenance and construction equipment including snowplows, graders, loaders, rollers, and utility trailers. Materials like salt and aggregate will also be stored on-site. The type of equipment and materials will vary throughout the year based on seasonal needs. *See condition #5*
- ii.** In the Letter of Intent, the applicant states the number of employees at the facility will also vary throughout the year depending on seasonal and operational needs. Normal hours of operation will be Monday through Thursday from 6:30 AM to 5:00 PM. However, emergency operations may occur at any time.
- iii.** The applicant indicates in the Letter of Intent that access to the property will be from SR 142, a UDOT facility, then by easement across a Richmond City owned property to the facility. The applicant is currently working with UDOT on access issues and any road improvements necessary. *See condition #6*
- iv.** A freestanding sign is proposed near the gate entrance to identify the facility. *See condition #7*
- v.** Waste will be collected by Logan Environmental Services.

B. Conditional Uses *See conclusion #1*

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

C. Compliance with law *See conclusion #1*

5. The County Land Use Ordinance stipulates that:
 - a. The proposed conditional use must comply with the regulations and conditions specified in the County Code and other applicable agency standards for such use. *See conclusion #1*
 - b. The proposed conditional use must be consistent with the intent, function, and policies of the Cache County General Plan, Ordinance(s), and land use, and/or compatible with existing uses in the immediate vicinity. *See conclusion #1*
6. §17.02.060, Establishment of Land Use Authority, authorizes the Planning Commission to act as a Land Use Authority for a CUP. *See conclusion #1*
7. The subject property is a legal lot and changed size and configuration through a valid boundary line adjustment in April 2020. There are no existing structures on the property.
8. §17.07.030, Use Related Definitions defines this use as “3400 Storage and Warehousing, and also specifically as #1. Storage Yard.”
9. §17.07.040, Definitions, defines “3400 Storage and Warehousing” as, “A structure(s) containing storage space(s) of varying sizes that are affiliated with a commercial or industrial uses. Such facilities are to be used for dead storage only. No business activities may be conducted from a storage facility other than those that are clearly ancillary to the primary business.”
 - a. Item #1 “Storage Yard” is further defined as, “The storage of large equipment and vehicles (either construction or transport); bulk construction materials (soil and rock products or building materials); and buildings or structures for uses such as offices or repair facilities.”
10. §17.09.030, Schedule of Uses by Zoning District, permits this use as a CUP in the Industrial (I) Zone only if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses as noted.
11. §17.10.040 Site Development Standards – The required setback from the property line in the Industrial (I) Zone is 30’. The storage of material or placement of structures within the setback area is not permitted. *See condition #5*

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

12. 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.
13. The primary activity of the proposed use is a storage and warehousing use/storage yard for the County Road and Vegetation Management Departments.
14. The proposed use will be located on the 4.93-acre property, which is surrounded by a public water filtration plant and agricultural uses.

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 will access the site from State Route 142, a UDOT facility, and use a private driveway through a Richmond City owned property to reach the facility. The property also has frontage along 10600 North to the north, but this is an unimproved and unmaintained County road and will not be used as a primary access, but may be used on an emergency basis. *See condition #6 & #8*
17. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
18. A basic analysis of SR 142 is as follows:
 - a. Is an existing UDOT facility that provides access to the general public.
 - b. Has a State Road classification as a Minor Collector.
 - c. Consists of an average 24-foot paved width with 3-foot wide gravel shoulders.
 - d. Has a 66-foot wide right-of-way.
 - e. Is maintained year round by UDOT. *See condition #6*
19. Parking:
 - a. §17.22 Off Street Parking Standards – All uses included under Use Index 3000 require a minimum of one parking space per 250 square feet, or a Parking Analysis conforming to §17.07.040 General Definitions and §17.22 Off Street Parking Standards.
 - b. According to the proposed construction plans for the new building it will be 6,000 square feet, which at one parking space per 250 square feet, would require 24 parking spaces. In the Letter of Intent, the applicant is providing 8 parking spaces. Additionally, an area for truck loading and unloading and turn arounds should be designated on a site plan to confirm the required parking does not conflict with other uses on the property. *See condition #9*
20. Refuse: Logan City Environment Department, Solid Waste Collection, reviewed the proposed use and did not have any comments.
21. Fire: §16.04.080 [C] Fire Control – The County Fire District visited the site and reviewed the Letter of Intent. The Fire District confirmed that a water supply on site is required. *See condition #3*
22. Water: The applicant states the facility will be using an onsite storage tank inside the building for culinary water. Treated effluent water from the Richmond City treatment plan may be used for non-culinary uses including dust control and washing construction equipment.
23. Septic: Sewer services will be provided by Richmond City.

F. Impacts and mitigation *See conclusion #1*

24. Utah Code Annotated §17-27a-506, Conditional uses, item 2-a specifies that “A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.”
25. The County Land Use Ordinance stipulates that:
 - a. Reasonably anticipated detrimental effects of the proposed conditional use must be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards.
 - b. Examples of potential negative impacts include but are not limited to odor, vibration, light, dust, smoke, noise, impacts on sensitive areas as defined by the Code, and/or disruption of agricultural practices.

26. Known or reasonably anticipated detrimental effects of the use are as follows:
- a. Noise: Typical hours of operation for the use are between 6:30 AM and 5:00 PM Monday through Thursday according to the Letter of Intent. The uses on site have the potential to create detrimental amounts of noise including the loading and unloading of materials and maintenance of equipment. However, given the location of the site and the surrounding agricultural and industrial uses it is not anticipated that the proposed use would create detrimental amounts of noise to neighboring properties.
 - b. Potential contamination: Repairing equipment and storing of materials such as salt and aggregate has the potential to have detrimental effects on the soil and groundwater if not prevented from entering the permeable surface. Applicant must store equipment and materials on impermeable surfaces and maintain best practices for the operation of the facility. *See condition #4*
 - c. Visual: The storage of equipment and materials may negatively impact the views from the surrounding roads and properties. Given the distance the subject property and facilities are setback from SR 142, screening may not be required from the street, but material stockpiles will be visible from SR-142 as people drive by. The detailed site plan shows areas of landscaping and fencing that will aid in screening and must be clearly called out on the plans to ensure the proposed screening is sufficient. *See condition #10*
 - d. Sensitive Areas:
 - i. USFWS Wetlands mapping that identified possible wetlands present on a portion of the subject property. If it is determined that it is in fact a wetland area, a wetland delineation may be required if any development is proposed in this area. The applicant must work the Army Corps of Engineers to secure any required permits and approvals. *See condition #11*

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

27. Public notice was posted online to the Utah Public Notice Website on 23 April 2020.
28. Notice was published in the Herald Journal on 25 April 2020.
29. Notices were posted in three public places on 23 April 2020.
30. Notices were mailed to all property owners within 300 feet of the subject property and cities within 1-mile on 25 April 2020.
31. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (13)

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. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. (*See A-3*)
2. All structures must be obtain required Zoning and Building approvals prior to construction. (*A-3-a-i*)
3. Prior to operation on the site, the applicant must obtain approval from the Fire Department for the required fire suppression storage tank. A copy of the approval must be provided to the Department of Development Services. Future development on the property requires preliminary plan review by the County Fire District. Any future development must be evaluated and may require improvements based on the location and type of proposed development. (*A-3-a-v, E-21*)
4. During construction and operation, the applicant must abide by all stormwater requirements for the facility as well as utilizing best practices for spill prevention and contamination. Copies of any

State required permits must be provided to the Development Services Office prior to operation. *(A-3-a-vi, F-26-b)*

5. The required setback from the property line in the Industrial (I) Zone is 30'. The storage of material or placement of structures within the setback area is not permitted. Proposed storage areas must be shown on the required site plan. *(See A-3b-i, C-11)*
6. Prior to recordation, the applicant must obtain all permits and approvals from UDOT and complete all required improvements in the right-of-way. The applicant must provide a copy of said requirements and permitting to the Development Services Office prior to operation.
7. A copy of the recorded easement from Richmond City for access to the site is required prior to recordation of the permit. *(A-3-b-iii, E-16, E-18)*
8. Any proposed signage must obtain approval of a Zoning Clearance and, if necessary, a building permit prior to installation. *(A-3-b-iv)*
9. With the exception of emergency access, access to the subject property is prohibited from 10600 South, an unimproved and unmaintained County road. Future access from this county road may require approval through a CUP amendment process. *(E-16)*
10. Prior to recordation, a site plan detailing the location of the required parking must be submitted to and approved by the Department of Development Services Office. Alternatively, a Parking Analysis to determine the number of parking spaces needed for the facility, and as defined by the Cache County Land Use Ordinance, may be submitted to the Development Services Office for the review and approval of the Director. Evidence of professional licensure in the State of Utah must also be provided by the person preparing the analysis. The site plan must also be updated to show the areas of truck loading and unloading. *(E-19-b)*
11. Prior to recording the permit, the applicant must provide additional information on the site plan to ensure that adequate screening is in place for the outdoor storage of equipment and materials. *(F-26-c)*
12. Prior to operation, a copy of the approved state and federal permits must be provided to the Development Services Department for any proposed development action to be taken in the identified wetland areas. *(F-26-d)*
13. Prior to recording the permit, and upon review and approval of the required site plan, the Director will determine whether additional screening is required to mitigate any detrimental visual impacts related to the proposed use. *(F-30-d)*

CONCLUSIONS (2)

Based on the findings of fact and conditions noted herein, staff recommends approval of the Cache County North Facility Conditional Use Permit as:

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

Cache County North Facility - Letter of Intent

April 1, 2020

- a) **Describe the proposed use. Identify all proposed uses, operations of each use, square footage of buildings, unique characteristics of the property, and any and/or all other relevant information.**

Cache County is currently building a new facility in Hyrum and upon completion the County Road and Vegetation Departments will be relocated from their current location in Logan to Hyrum. To improve overall operations, improve response time, and decrease travel, the County would like to construct a facility in the north end of the valley. Cache County has been working with Richmond City to purchase land approximately 0.5 miles west of the Richmond City limits for a north facility.

This proposed north facility will be used to store maintenance and construction equipment, and stock pile materials. The equipment and materials that will typically be stored at the site will consist of snowplows, graders, loaders, salt, aggregates, rollers, and utility trailers. This will be based on seasonal needs and vary throughout the year.

The proposed site is ^{4.93}~~5.12~~ acres of vacant land located near the current Richmond City waste water treatment plant. Access to the site will be via State Road 142 which is well suited for the traffic and size of equipment accessing the site. The County has been working with UDOT for an access permit and a copy of the pre-application meeting has been included.

The proposed improvements will consist of a 6,000 square foot vehicle storage building, a 2,400 square foot salt storage building, an 8-stall parking lot, various concrete pads for material storage and security fencing. The vehicle storage building will have a small office, mechanical room, and restroom. Sewer service will be provided by Richmond City, and culinary water will be provided by an onsite storage tank located inside the building. Treated effluent from the Richmond City treatment plant will also be used for non-culinary water for dust control and construction materials. A 25,000-gallon storage tank will also be provided for fire suppression as required by the Cache County Fire Department.

The site will be included in the County Facilities and a Storm Water Pollution Prevention Plan (SWPPP) will be prepared for the site that addresses stormwater runoff, spill prevention, good housekeeping measures, and other requirements as required by the State for County MS4 permit.

- b) **Number of employees. Indicate the number of employees that are residents of the property.**

The number of employees at the facility will vary based on the seasonally and current operational needs, is temporary in nature, and will be intermittent during operation hours.

c) Hours of operation. Specify days of week and hours each day.

Normal hours of operation are from 6:30 am to 5:00 pm, Monday through Thursday. Emergency operations may occur at any time.

d) Traffic and parking. State the anticipated employee and customer traffic, how adequate parking will be provided, and the number and type of deliveries sent and received (mail, UPS, semi-truck, etc.). A parking analysis as defined by §17.22 of the County Code may be required.

There is no customer traffic, and it is anticipated that no more three to four employees will park at the proposed north facility. The proposed parking lot will have eight parking spaces and employees will also have the option to park within the facility. Mail, UPS and other package type deliveries will go to the Cache County Administration Building or Hyrum facility. The deliveries of salt, water and other construction materials by County forces will use the yard area.

e) Signage. Attach a dimensioned graphic of any signage proposed for the site. See §17.23 of the County Code for the county sign standards.

A free standing sign with a county logo will be located near the gate entrance and will conform to the County sign ordinance.

f) Equipment. Identify the types of equipment involved in the operation of this use (vehicles, machinery, etc.).

Equipment located at the facility will typically include a snowplow, grader, and front end loader. Other related maintenance and construction equipment may be stored on site based on the needs of the county for associated operations.

g) Waste and/or garbage. Describe the process you will use in disposing of waste generated by your proposed use.

Garbage will be disposed of by Logan City Environmental Division.

Staff Report: West Canyon Ranch Processing CUP

7 May 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: Jason Summers
Staff Determination: Continue to July 2020
Type of Action: Administrative
Land Use Authority: Planning Commission

Parcel ID#: 16-039-0001, 16-041-0001
 16-042-0001, 16-043-0001, 16-044-0001
 16-045-0001, 10-05-0001

LOCATION

Reviewed by Angie Zetterquist

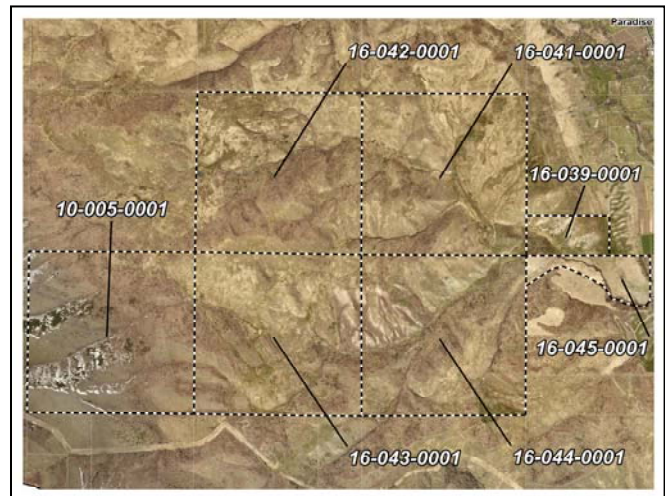
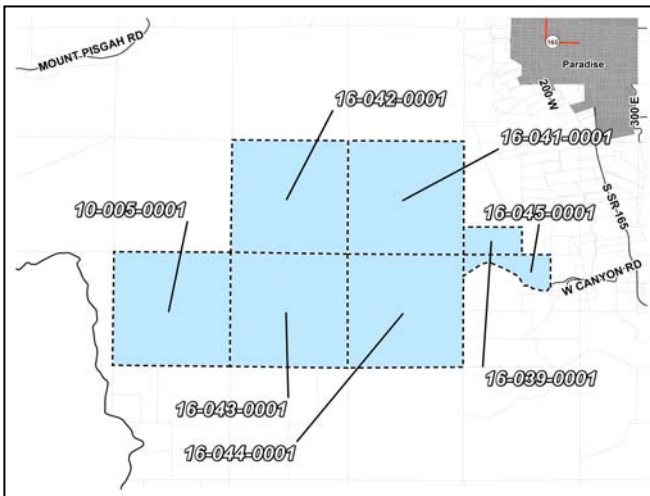
Project Address:

215 West Canyon Road
 Avon

Current Zoning: Forest Recreation (FR40) & Agricultural (A10)
Acres: 3,372

Surrounding Uses:

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



FINDINGS OF FACT (35)

A. Request description

1. The West Canyon Ranch Processing Conditional Use Permit (CUP) is a request to operate a small-scale meat processing facility under Use Type 6140 Agritourism. The processing facility would operate in conjunction and coordination with an existing CUP on the same 7 parcels for a recreational facility.
2. The Planning Commission approved the recreational facility CUP in June 2018 to allow overnight accommodations for private sport hunting excursions. The CUP was approved with two phases that would have allowed up to four cabins for overnight accommodations. After meeting the required conditions of approval, the 1st phase of the CUP was recorded on 13 August 2019 and allowed 2 cabins. The 2nd phase approval would have allowed two additional cabins to be built for overnight accommodation, but that approval expired and is void as the

applicant did not complete the required conditions including road improvements prior to the one year effective period of approval.

3. Per the Letter of Intent (Attachment A), the applicant is requesting a separate but related CUP to operate a small-scale meat processing facility under Use Type 6140 Agritourism. The meat processed in the facility would come from both the applicant's domestic ranching operation as well as from the private hunting excursions operated under the existing recreational facility CUP.
4. The applicant states in the Letter of Intent that the proposed structure for the meat processing facility would be located on parcel #16-045-0001. This parcel is located in the Paravon West Subdivision. The subdivision was approved in May 2017 as a single lot subdivision with two agricultural remainders. Parcel 16-045-0001 is identified on the subdivision plat and by legal description as Agricultural Remainder Parcel 1 and has a zoning designation of FR40. Agricultural Remainders are not eligible for development and the recorded subdivision plat includes a note that reads: "Ag. parcels are non-buildable except for agricultural structures." Per State Code, agricultural structures are exempt from building permit requirements. However, the type of small-scale meat processing facility described in the applicant's Letter of Intent is not an agricultural structure and would require a building permit for a structure with a commercial occupancy rating. The type of use described in the Letter of Intent and the animals that would be processed at the location appears to be more in line with the use definition for Agricultural Manufacturing (2110), but this use type is not permitted in the FR40 Zone and also could not be constructed on an agricultural remainder. The applicant further argues in his Letter of Intent that the code allows the Land Use Authority to remove the non-buildable restriction on agricultural remainder parcels.
 - a. §17.07 definitions for the different use types referenced above are as follows:
 - i. **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:
 1. 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;
 2. 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.
 3. 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:
 - 1. Guest rooms must be located within an owner occupied dwelling or seasonal cabin that meets the minimum Building and Fire Code standards;
 - 2. 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.”
- ii. **4100 Recreational Facility:** A place, either indoor or outdoor, designed and equipped for the conduct of sports and leisure time activities that is operated as a business and/or open to the general public. A recreational facility is operated for a period of greater than 30 days per year and may also include incidental transient lodging accommodations for up to 15 rooms. 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. A room provides sleeping accommodations for the general public utilizing the associated recreational facility. All rooms associated with a recreational facility must be contained within a single structure, and access to rooms must be 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. The term recreational facility includes, but is not limited to, the following: ski facility, golf course, and campground.
- iii. **2110 Agricultural Manufacturing:** The processing of agriculturally based products where 75% or more of the goods are grown directly on the property or on adjacent property that is operated by the owner of the Agricultural Manufacturing business. Includes any value added agricultural processing including but not limited to: honey processing, juice production from orchards or berries, meat or fish processing (smoking, jerky, cured meats, etc.), processing of vegetables, etc.
- iv. **Remainder:** A property within a development that is essentially unimproved. This property does not count toward the total number of lots allowed in a subdivision. A remainder must qualify as one of the following:
 - 1. Agricultural Remainder – To qualify as agricultural, any single parcel must:
 - a. Have a minimum size no less than the requirements of §59-2-5 of Utah Code Annotated, 1953, as amended.
 - b. Include a recorded deed restriction, or note on the recorded subdivision plat, stating that the remainder is non-buildable except for agricultural structures. This restriction can only be removed by the appropriate land use authority.
 - c. Be reviewed and approved by the land use authority to confirm the promotion and/or preservation of agriculture.

2. Open space - Land within or related to a development that is designed and intended for the use or enjoyment of one or more of the resident(s) of the development.
5. The issues the applicant has raised and his conflicting interpretation and desired application of the Code related to his proposed operation of an agritourism facility versus the intent and traditional application of the code require further legal analysis and a written legal opinion from the County Attorney's Office. Staff has requested the Attorney's Office review this request and research the issues the applicant has brought to our attention. Informal discussion with the County Attorney's Office has started, but a formal written opinion has not yet been drafted.

STAFF CONCLUSION

Based on the findings of fact and issues raised in the applicant's Letter of Intent, staff recommends that the Planning Commission continue this item until the July 2020 Planning Commission meeting in order for the County Attorney's Office to conduct a thorough legal review of the issues and draft a formal written opinion. The issues that the applicant raises, if implemented, would fundamentally change the way the Code has been interpreted and applied. A change of this magnitude requires thorough legal analysis that would either substantiate the applicant's claims or confirm the historical interpretation and application of the Code by the Land Use Authority.

Condition Use Permit Application – Cache County

Applicants:

Prime Ranch, LLC
502 East 11000 South
Avon, UT 84328
Tel: 435-753-6533

West Canyon Ranch Land, LLC
502 East 11000 South
Avon, UT 84328
Tel: 435-753-6533

Letter of Intent:

Introduction

Prime Ranch, LLC, and West Canyon Ranch Land, LLC (the “Ranch”) hereby apply for a conditional use permit to construct a small-scale meat processing facility (the “Facility”) on parcel 16-045-0001 (the “Parcel”). The Parcel is located within the FR 40 zones of the County. The Facility will consist of a meat processing shop, equipment storage. The Ranch is an agricultural production use (Use Type 6100) on approximately 3,372 acres comprised of seven parcels of record. The Parcel is one of those seven parcels. In addition to the agricultural production use, the Ranch operates a recreational facility (Use Type 4100) pursuant to a conditional use permit issued in June of 2018.

The Facility falls within the definition of agritourism (Land Use 6140), which is a conditional use permitted in both the A 10 and FR 40 Zones as an accessory use to a primary agricultural production use. Agritourism is defined as: “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 cafe); **small-scale food processing** (e.g., process pumpkins grown on premises into pumpkin pies), and other similar uses/activities as determined by the Land Use Authority” (emphasis added).

The Facility will be an accessory use operated in conjunction with and ancillary to the current the current CUP and complement the existing hunting and agricultural ranching including cattle, domestic elk and bison business operated by the Ranch. While we understand there are some questions about West Canyon’s business model and operations, we want to work with the County to resolve any concerns and move forward with this project.

County Staff has indicated that the Parcel is an "Agricultural Remainder." Prime Ranch disagrees because there is not a "recorded deed restriction, or note on the recorded subdivision plat, stating that the remainder is non-buildable except for agricultural structures." Even if there were such a recorded restriction and the Parcel is an "Agricultural Remainder," however, Prime Ranch is entitled to seek the applied for conditional use permit, because: (a) the restrictions imposed pursuant to such a deed or plat restriction can be "removed by the appropriate Land Use Authority," which in this case, would be the Land Use Authority considering the requested conditional use permit; and (b) the Facility is reasonably characterized as an agricultural structure because it is used for an agritourism use that is itself ancillary to the primary agricultural production use of the Parcel. The Staff's contention to the contrary is misplaced because it depends upon a misreading of both applicable County ordinances and the State Construction Code. The proposed Facility is not "a structure used solely in conjunction with agricultural use, and not for human occupancy" such that it is "exempt from the permit requirements of the State Construction Code." Rather, the Facility as proposed is an agricultural structure subject to all State Construction Code requirements and that is expressly identified as a permitted conditional use pursuant to the County's land use code.

About West Canyon Ranch

West Canyon Ranch is located at the southern end of Cache Valley, near Avon Utah. West Canyon acquired the ranch from Don Petersen in 2017. Mr. Peterson and his family operated the ranch for nearly a hundred years and raised sheep and later cattle. In 2007, Mr. Peterson made a major investment in the ranch and changed part of his ranching business model by moving into domestic elk & bison ranching. In 1997, the State legislature authorized and created the domestic elk program (<http://www.ag.utah.gov/animal/elk-farms-hunting-parks.html>). This program is administered and under the direction of the Utah Department of Agriculture. Mr. Peterson took this opportunity to diversify his ranch and business model and, as required by the program, made the necessary modifications at his own expense to meet the program requirements. Some of these modifications included a high tensile 8-foot perimeter fence around approximately 2,800 acres of the ranch at an approximate cost of \$500,000 in 2007. Under the domestic elk program, Mr. Peterson was able to raise and produce domestic elk, in addition to cattle and bison. Domestic elk were raised and sold for commercial purposes, including, meat production, breeding stock, and individual harvesting/sport hunting, where animals were harvested by individuals for personal use.

This type of agricultural business is becoming common across the County. In Utah, there are approximately thirty-five active domestic elk ranch operations. Consumer trends and demands are changing. Consumers including the new millennials are demanding all natural and other types of lean protein and exotic meats like domestic elk, bison and grass feed beef. Domestic elk meat is now more expensive per pound than commodity beef, pork or chicken.

In addition to the harvest/hunting portion of the business, West Canyon Ranch will also focus on domestic elk production for meat, including direct marketing of elk protein to wholesale distributors, chefs and restaurants. Recently in 2019, the Utah Legislature passed HB 412, which amended the definition of domestic animals to include commercially and domestically raised elk & bison. This change allows for custom onsite harvesting and meat processing of domestic elk and bison, which is inspected by the Utah Department of

Agriculture. The Department of Agriculture is still writing the rules for this new program, but it will significantly expand opportunities for ranchers of domestic elk & bison. In addition, we are proposing to operate the Facility under what the Utah Department of Agriculture terms a 'custom exempt processing' facility, which allows processing for private individuals (See Utah Code Section 4-32-105(10)). (Application attached)

The current owners of West Canyon Ranch are already involved in a wholesale meat distribution business (www.primeinternational.com) and West Canyon Ranch and the Facility is an opportunity to vertically integrate part of their supply chain and expand their business. West Canyon Ranch's business model, which is still evolving and has several components, includes both marketing its protein business to clients like Sierra Meat & Seafood (www.sierrameat.com) and the operation of its harvest/hunting business to individual clients. West Canyon Ranch has been working on promotional materials, including brochures and our own in-house created website (www.westcanyonranch.com). Our harvest/hunting business model is based on a limited number of clients and guests with a focus on a privacy, exclusivity and an up-scale overall experience.

Purpose and Operation of the Facility; Response to CUP Application Requirements

1(a): The Facility is proposed to be approximately 2,800 square feet in size, with approximately 1,700 square feet devoted to meat processing and another 1,100 square feet for equipment and inventory storage. The Facility will be located on the Parcel (Tax Parcel No. 16-045-001) and will have a physical address of 215 West Canyon Road, Avon, UT 84328. As described above, the Facility will be operated in conjunction with the current West Canyon Ranch operations. The Facility will be wood frame construction and will be designed and engineered to meet or exceed current County building codes. Building permits will be obtained and approved by Cache County. Construction is proposed to begin in June 2020 pending contractor availability and economic conditions and be completed no later than June 2023.

1(b): The Facility will have one to two seasonal employees, none of the employees are expected to residents at the Facility.

1(c): The Facility's hours of operation will fluctuate according to demand, but we are planning to operate seasonally, from late August to November.

1(d): Access to the Facility is accommodated vis-à-vis existing private and County roads that provide access to West Canyon Ranch. Because the Facility supplements existing operations, we do not foresee any material increase in vehicular traffic to West Canyon Ranch; rather we anticipate a reduction in vehicular traffic because on-site meat processing will result in fewer trips transporting inventory. We expect light travel, or approximately one to five vehicles per day during guest visits, including staff. The light and seasonal use of the road and the limited number of clients do not justify the cost of making any significant improvements to either the private or County roads, and the existing roads will provide adequate access to the Facility. The private road will nevertheless be improved to meet County fire and emergency access standards and the existing cabin location and address will be registered with Cache County emergency

services. The general public will not be allowed to use the private road, and the private roads will not require any County maintenance. A parking lot for the Facility will be constructed to accommodate up to five vehicles, including parking for staff and emergency vehicles. There will be no deliveries sent or received via UPS mail, courier service, or semi-truck. There will be adequate private road access and turn around capabilities for fire and emergency vehicles.

1(e): There is no proposed road signage unless requested by county or emergency services.

1(f): The Facility will include refrigerator and freezer equipment for storing meat, as well as cutting and packing equipment for general meat processing.

1(g): Garbage and waste will be collected on site and deposited in regular County garbage cans located at 200 W. West Canyon Road, which is the end of the County road and on property currently owned by West Canyon Ranch. If required, we will add a three-yard dumpster to accommodate additional waste at the same location during periods of higher demand.

Staff Report: Trout of Paradise CUP 3rd Amendment

7 May 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: Grant White

Parcel ID#: 01-098-0014

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

Project Location

Reviewed by Angie Zetterquist

Project Address:

50 West 8700 South
Paradise

Current Zoning:

Agricultural (A10)

Acres: 29.48

Surrounding Uses:

North – Residential

South – Agricultural

East – Agricultural/Residential

West – Agricultural



FINDINGS OF FACT (27)

A. Request description

1. The Trout of Paradise Conditional Use Permit (CUP) 3rd Amendment is a request to amend an existing recreational facility, Use Type 4100, on a 29.48 acre property located in the Agricultural (A10) Zone.
2. Per the Letter of Intent (Attachment A), the proposed request for expansion is to allow the construction of a 20' x 50' pavilion for use as part of the recreational facility. **See condition #1**
 - a. Construction
 - i. The applicant has provided a site plan that shows a general layout of the existing structures used for the recreational facility as well as the location of the proposed pavilion expansion (Attachment B).

b. Operation

- i.** In the letter of intent, the applicant states there will be no changes to the operation of the existing recreational facility approved in the 2015 CUP amendment.
- ii.** The new pavilion will allow users of the facility to participate outdoors in inclement weather and will eliminate the need to rent and set up a large tent. Picnic tables will be placed under the pavilion for use by visitors to the recreational facility.
- iii.** The applicant states the recreational facility operates daily from 8:00am to 5:00pm with occasional longer hours depending on the event.

B. Parcel Legality

- 3.** The subject property has not changed size or configuration since August 8, 2006 and is a legal parcel. Approvals for a CUP and CUP amendment were done in 2005 and 2015, and multiple building permits have been issued for structures on the site.

C. Conditional Uses *See conclusion #1*

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

D. Compliance with law *See conclusion #1*

- 5.** The County Land Use Ordinance stipulates that:
 - a.** The proposed conditional use must comply with the regulations and conditions specified in the County Code and other applicable agency standards for such use.
 - b.** The proposed conditional use must be consistent with the intent, function, and policies of the Cache County General Plan, Ordinance(s), and land use, and/or compatible with existing uses in the immediate vicinity.
- 6.** §17.02.060, Establishment of Land Use Authority, authorizes the Planning Commission to act as a Land Use Authority for a CUP. *See conclusion #2*
- 7.** The parcel that is the subject of the conditional use permit request is a legal parcel zoned Agricultural (A10).
- 8.** §17.07.030, Use Related Definitions defines this use as
 - a.** “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 accommodation for up to 15 rooms.” This use also includes the following specific uses: ski facility, golf course, and campground.
- 9.** §17.09.030, Schedule of Uses by Zoning District, permits this use as a CUP in the Agricultural (A10) Zone only if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses as noted.

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

- 10.** The County Land Use Ordinance stipulates that:
 - a.** Proposed CUP’s must not be detrimental to the public health, safety and welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A conditional use shall be considered detrimental if:

- i. It causes unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar risks, and/or;
- ii. It unreasonably interferes with the lawful use of surrounding property.

11. The primary activity of the recreational facility is an indoor/outdoor event area offering a variety of other outdoor recreational activities for the general public. There is no proposed change to the current operation of the facility and the request is limited to adding a new outdoor pavilion structure to the property.

F. Adequate service provision *See conclusion #1*

12. 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.

13. Access: The subject property has frontage along Mt. Pisgah Road, a county road.

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

14. A basic review of the access to the existing lot identifies the following:

- a. The recreational facility gains access from the county road Mt. Pisgah Road.

- b. Mt. Pisgah Road:
 - i. Is an existing county facility that provides access to the general public.
 - ii. Currently provides access to multiple residential and agricultural parcels.
 - iii. Is a 20-foot wide paved road with 2-foot gravel shoulders.
 - iv. Has an unknown depth and type of material of the sub-base, base, and paved surface.
 - v. Has a 66-foot right-of-way dedication
 - vi. Is maintained year round.
 - vii. As there is no change to the operation to the previously approved CUP, there are no road improvements required as part of this proposed amendment.

15. Parking:

- a. §17.22 Off Street Parking Standards – All uses included under Use Index 4000, Cultural, Entertainment, Recreation Uses, 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. Given that there is no change in the operation and the proposed expansion is an outdoor pavilion, a new Parking Analysis is not required for this proposed amendment.

16. Solid Waste Disposal – Logan City Environmental did not have any comments on this request.

17. Fire Control – The County Fire District has reviewed the proposed plans and visited the site. The facility has their own water supply for fire protection and the Fire Department has no concerns with the request. Any future development on the property must be reevaluated and may require improvements based on the location of any proposed development.

18. Water Requirements – Recreational facilities do not require confirmation of domestic culinary water rights.

19. Septic – As the proposed structure is an outdoor pavilion with no proposed plumbing, septic feasibility is not required.

G. Impacts and mitigation *See conclusion #1*

20. 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.”

21. 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.

22. Known or reasonably anticipated detrimental effects of the use are as follows:

a. Sensitive Areas:

- i. The subject property is located in a FEMA floodplain and is adjacent to the Little Bear River. The applicant must work with the County Public Works Department on stormwater issues to reduce runoff issues during construction. Additionally, if required for an outdoor pavilion, the applicant may be required to provide an elevation certificate for the proposed structure at the time of the Zoning Clearance review. Areas of possible wetlands are also shown on the GIS map. Development is not permitted in wetland areas. ***Condition #4***

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

23. Public notice was posted online to the Utah Public Notice Website on 23 April 2020.
24. Notice was published in the Herald Journal on 25 April 2020.
25. Notices were posted in three public places on 23 April 2020.
26. Notices were mailed to all property owners within 300 feet of the subject property on 23 April 2020.
27. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (4)

These conditions are based on the Cache County Land Use Ordinance and on the findings of fact as noted herein, and do not supersede the conditions of previous approvals unless the new conditions establish a conflicting requirement:

1. The applicant and operator(s) must abide by the information as provided in the application and the information as identified in this report and must comply with the conditions of approval. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. *See A-2*
2. The equipment stored on-site to maintain the recreational facility must not be stored in the required parking area and must be screened from the roadway.
3. Any proposed signage must apply for and obtain approval of a Zoning Clearance and building permit, if necessary, prior to installation.
4. Prior to construction, the applicant must address impacts to sensitive areas located on the property including, but not limited to, stormwater, elevation certificate, and wetland delineation, as applicable. *See G-22-b*

CONCLUSIONS (2)

Based on the findings of fact and conditions noted herein, the Trout of Paradise CUP 3rd Amendment is hereby approved as follows:

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

TROUT OF PARADISE, INC.
399 West 9000 South
Paradise, UT 84328-0129
435-245-3053

Master Plan

Trout of Paradise, Inc. was forced to change its business focus in 1990 and again in 1992 due to fishery diseases. Prior to that time the operating entity on the same property was White's Trout Farm. Since those years the focus has been dedicated to recreational fly fishing catch and release. Fortunately, the business has grown steadily since 1993 which has required some expansion to accommodate our client's expectations. During the growth years we have come before this committee twice to further expand our facilities.

In 1995 we requested permission to create and build a guardhouse with warming facilities, restroom facilities and a storage area. In approximately 2000 we again approached this committee to request permission to build five cabins with sleeping areas and bathroom facilities. The cabins have allowed our Sportspersons to stay over night and further experience the wonders of rural America. During the years of 1997 through 2002 we leased the land and facilities to an entity known as Willow Valley Sportsman. Willow Valley Sportsman leased and marketed the property for fly-fishing and upland game hunting. During 2002, through a mutual agreement, we terminated our lease with Willow Valley Sportsman. By then the facility and land itself had become well known for its fly- fishing and upland game hunting by many sportsman. The sportsmen asked if we would consider operating the fly-fishing and upland game hunting under our own management. The fly-fishing was definitely going to continue but we had some reservations concerning the upland game hunting. After further discussion with the sportsmen they wanted us to manage the upland game hunting we committed to continue the fly-fishing and Upland game hunting as a packaged operation. The combination of fly-fishing, upland game hunting, and overnight accommodations would provide one stop shopping for sportsmen. Through the advice of our attorney we set up an LLC to operate upland game hunting operations and selected the legal name of "White's Sportsman's Paradise, LLC. For marketing and advertising purposes, the operating entity is Sportsman's Paradise at Whites Ranch. The fly fishing, cabins and clubhouse are owned by Trout of Paradise, Inc. dba. Sportsman's Paradise to keep everything consistent.

My application for the County Business Licenses has always been filled out as Trout of Paradise, Inc./Sportsman's Paradise. However, the Business License has always been issued to Trout of Paradise, Inc. I guess I should have been applying as Trout of Paradise, Inc. dba Sportsman's Paradise. That would have solved some of the confusion as to which business entity is actually operating the business. Trout of Paradise, Inc. owns the property and facilities, dba. Sportsman's Paradise.

Trout of Paradise, Inc. dba Sportsman's Paradise began operating in 2002 as a Fly-fishing catch and release facility with upland game hunting or wing shooting. Sportsman's Paradise utilizes the facilities and land owned by Trout of Paradise, Inc. and leases more land from Brooke Ranch for the wing shooting. The fly-fishing has a permit issued by the Utah Department of Agriculture and Food renewable every year. The wing shooting has a permit issued by the Utah Department of Wildlife Resources renewable every three years but must have a annual report filed every year. The permits are current and valid. For the last 16 years our wing shooters have been using a single clay pigeon thrower to warm up with prior to entering the field. At the request of our wing shooters we added some mechanical clay pigeon throwers this past summer to enhance their shooting abilities. This has not only proven to be entertaining but focuses more on their ability to properly handle a shotgun and understand the safety concern prior to entering the field. Over the past couple of years our corporate clients have asked about meeting facilities to the point of which some companies have stated they would hold monthly meetings if we could provide the meeting area. Last year we requested permission to build a 26' X 30' extension on the southwest side of the existing facility with another restroom. The corporate clients can now have a meeting for as long as they like and then experience fly-fishing and upland game hunting at its best. The meeting room further provides more of a lodge atmosphere for our clients that enjoy an extended stay utilizing our five cabins. In the clubhouse itself we now have the meeting room, a small dining area, a small kitchen and a small registration area.

Over the next 1-15 years we may have to expand our overnight accommodation by five or six more rooms. The rooms would be the same size and quality of our cabins but built together in one structure. We also have had requests for trailer hookups. We may need to expand with a commercial kitchen and a larger dining room.

In May of 2015 we requested an expansion of our conditional use permit to expand on the south side of the existing facility to create 1900 square foot multipurpose room for meetings, dining and more restrooms. This has enabled us to provide a facility for the corporate clients regardless of what our Cache Valley spring weather provides. We have corporate clients that schedule an event in which they bring participants to enjoy and experience they cannot find most any other place in the West. They are able to learn the art and serenity of fly fishing with a professional fishing guide or experience the Sporting Clay shooting at the Five Stand. Followed by a full course Trout Dinner and a camp fire they exchange their bragging rights for the experiences they have just enjoyed. There are sometimes during the events that we cannot out guess what mother-nature is going to provide. So many times we must rent a tent to keep the participants dry during a quick cloud burst of snow or rain in the spring time or just rain in the early fall. Even though the large tents are handy we seem to have to repair either the sprinkler system or the lawns after the event is over.

We are now proposing an expansion of our conditional use permit to construct a 20'X50' Pavilion. This would provide a covered are for the participants, of adequate size, can continue enjoying the beauty of the outdoor experience without getting wet. It would also eliminate the need of renting a large tent and the problems involved with setting up the large tent. The structure we look similar to a pole barn with a concrete floor. We will place picnic tables under the structure for either outside dining or just sitting down and visiting. The addition of the pavilion will not require any changes to the ongoing operation of Trout of Paradise, Inc. Traffic

and parking will remain the same it has been since 2015. Waste and/ or garbage will be handled the same. There will be no signage change. The hours of operation will remain the same 7 days a week and normally 8:00-5:00. During corporate events the hours may go further into the evenings. The equipment needed will not change with addition of the Pavilion.

I am hopeful that this further explains in enough detail the business that is operated by Trout of Paradise Inc. dba. Sportsman's Paradise.



3D

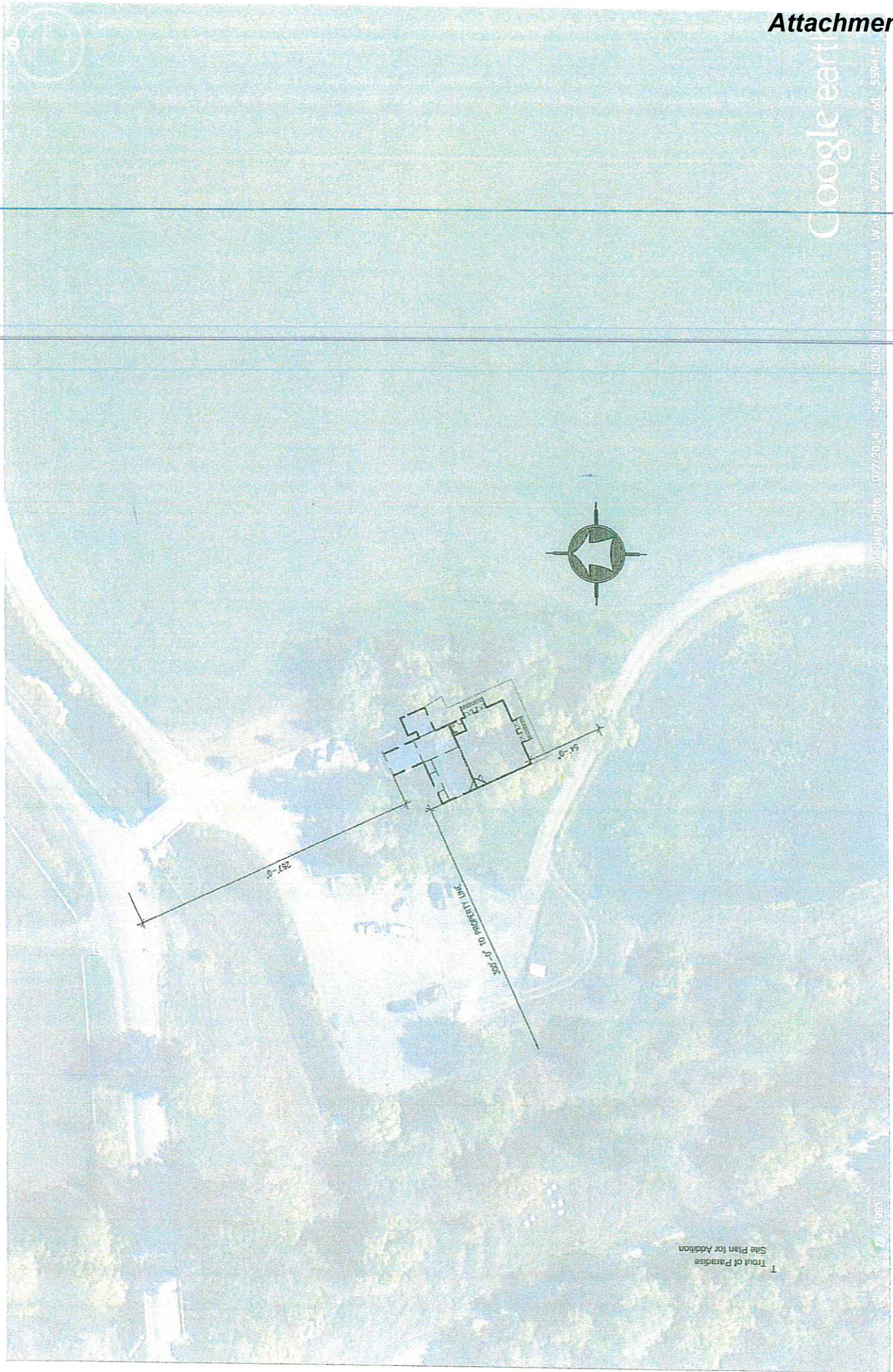


100%

Camera: 1,811 m 41°34'34"N 111°51'13"W 1,449 m

Google earth

Imagery Date: 10/7/2014 43.84 10.06 N 31.513311 W -5 4774ft eye alt: 5504 ft



T Trout of Paradise
Site Plan for Addition

GRANT WHITE
435-757-1899

Parcel and Zoning Viewer

clear web browser's cache help/ 300 ft

750 W 8700 S, Paradise, UT, 84; X

Show search results for 750 W 8700 ...



20ft

Staff Report: Advanced Shoring CUP 1st Amendment

7 May 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: Per-Ole Danfors, Danfors Brothers, LLC

Parcel ID#: 03-058-0022

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

LOCATION

Reviewed by Angie Zetterquist

Project Address:

4350 South 1500 West

North of Hyrum

Current Zoning:

Industrial (I) Zone

Acres: 10.0

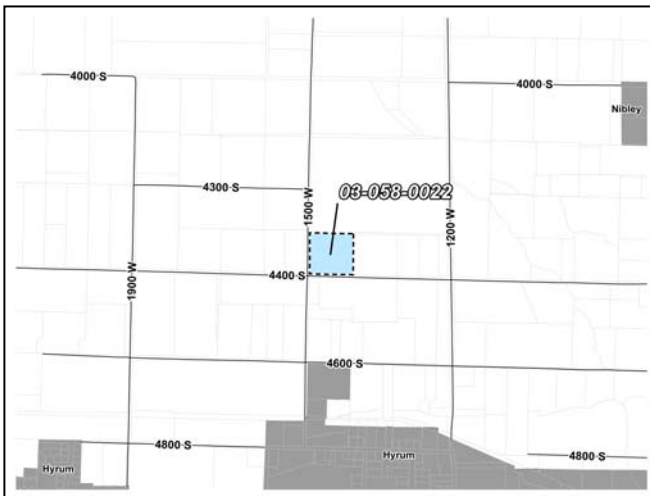
Surrounding Uses:

North – Agricultural/Public Infrastructure

South – Agricultural/Hyrum City

East – Agricultural

West – Agricultural



FINDINGS OF FACT (35)

A. Request description

1. The Advanced Shoring Conditional Use Permit (CUP) 1st Amendment is a request to amend their previously approved CUP to operate a storage and warehousing facility (Use Type 3400) on a 10.0 acre parcel located in the Industrial (I) Zone.
2. The Planning Commission approved a CUP in July 2019, but the applicant has decided to make significant changes to the original request through this amendment. Although the original CUP was approved, it has not been recorded.
3. Prior to approving the original CUP, the County Council approved a rezone of the subject property from Agricultural (A10) to Industrial (I) in 2018 and the applicant is now seeking to establish a storage and warehousing facility on the parcel.

4. Per the revised Letter of Intent (Attachment A), the applicant is proposing to operate a construction company, which will use the southeast portion of the property for storing and refurbishing construction equipment. The applicant has redlined the original Letter of Intent to show the proposed amendments under this request. The applicant is also proposing to operate an open-air RV and boat storage on the northwest portion of the property, but anticipates that use will begin operation in approximately three years. *See condition #1*
 - a. Construction
 - i. The subject property has three existing buildings on-site, located in the southwest area of the property. The applicant had originally proposed using the existing wood-frame, metal structures for the construction company, but has determined the structures are not practical for the proposed use and is now planning to construct a new building for this purpose (Attachment B). Per the revised Letter of Intent, the new building will be used to operate a construction company including the storing and refurbishing of construction equipment. *See condition #2*
 - ii. Per the revised Letter of Intent, other development of the site includes relocating existing fencing and adding fencing and gates for the proposed RV and boat storage facility. *See condition #1*
 - iii. Also located on the property is a manmade lagoon that was constructed for the hog farm. The applicant has updated his Letter of Intent indicating that the lagoon will be filled and leveled under a wetland delineation approval from the US Army Corps of Engineers. The applicant must provide the Department of Development Services with a copy of the wetland delineation permit. *See condition #3*
 - b. Operation
 - i. The applicant states that the construction company will use the southeast area of the property for storing and refurbishing construction equipment. The Letter of Intent identifies the type of equipment that will be used on-site as mainly forklifts, backhoes, and cranes with various types of foundation construction equipment such as drilling rigs and concrete pumps stored on the property as well as construction materials. *See condition #4*
 - ii. In the Letter of Intent, the applicant states there will be 5-10 employees working on the site at any one time. Hours of operation will be Monday through Friday and some Saturdays from 7:00 AM to 7:00 PM. The facility will not operate on Sundays.
 - iii. The applicant indicates in the revised Letter of Intent that access to the property will be from 4400 South, a change from the original access point off of 1500 West, for the housing construction company. All parking and loading/unloading of trucks will occur on the property inside the fenced area. The applicant states up to ten (10) passenger vehicles such as cars and pickup trucks will enter the property daily and 1-to-2 semi-trucks on a weekly basis. *See condition #5 & #6*
 - iv. Utilities will be installed for the new structure and a fire dry hydrant storage tank will be installed to meet Fire Code. *See condition #7*
 - v. Signage is proposed for the entrance gate that will display the address and company name. *See condition #8*
 - vi. Waste will be collected in a commercial dumpster and collected by Logan Environmental Services.
 - vii. The open-air RV and boat storage area is proposed to be located in the northwest portion of the property. Access to this area will be from the north gate along 1500 West

with fencing and gates installed for the proposed use. The applicant anticipates that the use will begin operating in about three years. *See condition #1*

B. Conditional Uses *See conclusion #1*

5. §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*

6. 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*
7. §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*
8. The subject property has not changed size or configuration since August 8, 2006 and is a legal parcel. There are existing structures on the property initially built for a hog farm.
9. §17.07.030, Use Related Definitions defines this use as “3400 Storage and Warehousing, and also specifically as #1. Storage Yard.”
10. §17.07.040, Definitions, defines “3400 Storage and Warehousing” as, “A structure(s) containing storage space(s) of varying sizes that are affiliated with a commercial or industrial uses. Such facilities are to be used for dead storage only. No business activities may be conducted from a storage facility other than those that are clearly ancillary to the primary business.”
 - a. Item #1 “Storage Yard” is further defined as, “The storage of large equipment and vehicles (either construction or transport); bulk construction materials (soil and rock products or building materials); and buildings or structures for uses such as offices or repair facilities.”
11. §17.09.030, Schedule of Uses by Zoning District, permits this use as a CUP in the Industrial (I) Zone only if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses as noted.
12. §17.10.040 Site Development Standards – The required setback from the property line in the Industrial (I) Zone is 30’. The storage of material or placement of structures within the setback area is not permitted. *See condition #4*

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

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

14. The primary activity of the proposed use is a storage and warehousing use/storage yard for a construction company, and for RV and boat storage.
15. As discussed previously, the existing structures will no longer be used as part of the facility and a new building will be constructed in the southeast area of the property. *See condition #2*
16. The proposed use will be located on the 10-acre property and is surrounded by a water filtration plant infrastructure and agricultural uses. Within a mile of the subject property there are only 4 parcels, of a total of 225, with a home located on it. At the time of the rezone request, the City Administrator for Hyrum City was contacted as the property is located within the City's future annexation area. The City Administrator stated that the future land use plan for that area is industrial and agricultural.

E. Adequate service provision *See conclusion #1*

17. The County Land Use Ordinance stipulates that:
 - a. The proposed conditional use must not result in a situation that creates a need for essential services that cannot be reasonably met by local service providers, including but not limited to: Roads and year round access for emergency vehicles and residents, fire protection, law enforcement protection, schools and school busing, potable water, septic/sewer, storm water drainage, and garbage removal.
18. The subject property has frontage along 1500 West and 4400 South, both county roads.
19. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
20. The Road Manual specifies the following:
 - a. Table 2.2 – Roadway Typical Sections, Footnote #6 indicates that development of a commercial or industrial nature must meet the minimum requirements of a local road.
 - b. §2.1-A-4 Local Road, Table 2.2 Roadway Typical Sections: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.
 - c. Table 2.2 Roadway Typical Sections: Local roads must meet the minimum standards of a 66-foot wide right-of-way, two 10-foot wide paved travel lanes with 2-foot wide shoulders (1-foot-wide gravel and 1-foot-wide paved) for a total width of 24 feet.
 - d. §2.4-A-1-c: Development on inadequate roadways is not allowed, and any substandard sections of roadway access must be improved to meet the minimum standards specified in the Road Manual.
 - e. Table A-8 Typical Cross Section Structural Values: The minimum structural composition for gravel roads requires 14” depth of granular borrow, 6” depth of road base, and paved roads required an additional 2.5” depth of asphalt.
21. A basic analysis of 1500 West is as follows:
 - a. Is an existing county facility that provides access to the general public.
 - b. Has a Local Road classification.
 - c. Currently provides access to multiple vacant and agricultural parcels.
 - d. Consists of an average 20-foot paved width with a 2-foot wide gravel shoulder on the east side and a 1-foot wide gravel shoulder on the west side.
 - e. Does not appear to have the full 66-foot right-of-way dedicated to the County.
 - f. Has an unknown depth and type of material under the surface.
 - g. Is maintained year round. *See condition #9 & #13*

22. A basic analysis of 4400 South is as follows:
 - a. Is an existing county facility that provides access to the general public.
 - b. Currently provides access to multiple vacant and agricultural parcels.
 - c. Has a Local Road classification.
 - d. Consists of an average 21-foot paved width with 1-foot wide paved shoulders and an additional 1-foot wide gravel shoulder on the north side of the road and 3-foot wide gravel shoulder on the south side.
 - e. Has the full 66-foot right-of-way dedication.
 - f. Has an unknown depth and type of material under the surface.
 - g. Is maintained year round. *See condition #9 & #13*
23. Parking:
 - a. §17.22 Off Street Parking Standards – All uses included under Use Index 3000 require a minimum of one parking space per 250 square feet, or a Parking Analysis conforming to §17.07.040 General Definitions and §17.22 Off Street Parking Standards. *See condition #10*
 - b. According to the proposed construction plans for the new building it will be 4,000 square feet, which at one parking space per 250 square feet, would require 16 parking spaces. Additionally, an area for truck loading and unloading and turn arounds should be designated on a site plan to confirm the required parking does not conflict with other uses on the property. *See condition #10*
24. Refuse: Logan City Environment Department, Solid Waste Collection, reviewed the proposed use and confirmed that the facility will use a commercial front-load dumpster.
25. Fire: §16.04.080 [C] Fire Control – The County Fire District visited the site and reviewed the Letter of Intent. The Fire District confirmed that a water supply on site is required as well as a 20-foot wide fire department access road to any structures on site. *See condition #7*
26. Water: The applicant is planning on installing facilities that will require a culinary water right. There are currently two water rights associated with this property: #25-8024 & #25-11551. The water rights include a domestic culinary water share for a small shop with about 10 occupants as well as irrigation and stock water rights.
27. Septic: If individual buildings add restrooms, the Bear River Health Department will review them when a Zoning Clearance application has been submitted.

F. Impacts and mitigation *See conclusion #1*

28. Utah Code Annotated §17-27a-506, Conditional uses, item 2-a specifies that “A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.”
29. The County Land Use Ordinance stipulates that:
 - a. Reasonably anticipated detrimental effects of the proposed conditional use must be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards.
 - b. Examples of potential negative impacts include but are not limited to odor, vibration, light, dust, smoke, noise, impacts on sensitive areas as defined by the Code, and/or disruption of agricultural practices.
30. Known or reasonably anticipated detrimental effects of the use are as follows:
 - a. Noise: Hours of operation for the use are between 7:00 AM and 7:00 PM Monday through Friday and some Saturdays according to the Letter of Intent. The uses on site have the

potential to create detrimental amounts of noise including the refurbishing and repairing of construction equipment. However, given the location of the site and the surrounding agricultural and industrial uses it is not anticipated that the proposed use would create detrimental amounts of noise to uses on the existing, neighboring properties.

- b. Traffic: Due to the type of business, number of employees, and truck deliveries, an increase in traffic has the potential to create detrimental impacts. The applicant must work with the County Engineer to confirm that the existing road meets the minimum local road standards. Additionally, a detailed site plan is required to confirm access is sufficient, and is located to ensure the traffic entering and existing the proposed facility does not create conflicts with other users on the county roads. *See conditions #1, 6, 9, 10*
- c. Potential contamination: Repairing construction equipment and storage of RVs and boat has the potential to have detrimental effects on the soil and groundwater if the equipment or vehicles have leaks that are not prevented from entering the permeable surface. Applicant must provide a plan for containment of potential leaks for review to the County Engineer, and indicate any areas on the site that will be improved with impermeable surfaces for the proposed uses. *See condition #11*
- d. Visual: The storage of equipment, construction materials, and RVs and boats may negatively impact the views from the surrounding roads and properties. A detailed site plan with locations identified for storage as well the height and materials of any existing or proposed fences will aid in determining whether screening will be required. *See condition #13*
- e. Sensitive Areas:
 - i. USFWS Wetlands mapping identified possible wetlands present on a portion of the subject property. A wetland delineation will be required if any development is proposed in this area and the applicant must work the Army Corps of Engineers to secure required permits and approvals to develop in the wetland areas. *See condition #3 & #12*
 - ii. A canal runs along the property line parallel to 4400 South, the applicant must ensure development in the area does not impact the canal and obtain any required permission from the canal company prior to doing work in this area.

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

- 31. Public notice was posted online to the Utah Public Notice Website on 23 April 2020.
- 32. Notice was published in the Herald Journal on 25 April 2020.
- 33. Notices were posted in three public places on 23 April 2020.
- 34. Notices were mailed to all property owners within 300 feet of the subject property and cities within 1-mile on 25 April 2020.
- 35. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (12)

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. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. (*See A-4, A-4-a-ii, F-30-b*)
- 2. Prior to recording the permit, a revised site plan must be submitted to the Development Services Department showing the proposed new building and indicating the three existing buildings will not be used as part of the storage and warehousing facility. (*A-4-a-i, D-15*)

3. Prior to the development of the manmade lagoon area or identified wetland, the applicant must provide the Department of Development Services a copy of the wetland delineation permit from the US Army Corps of Engineers allowing the infill and leveling of the manmade lagoon on the property and development on any other area identified as a wetland. *(A-4-a-iii, F-30-e)*
4. The required setback from the property line in the Industrial (I) Zone is 30'. The storage of material or placement of structures within the setback area is not permitted. Proposed storage areas must be shown on the required site plan. *(See A-4-b-i, C-12)*
5. Prior to recording the permit, the applicant must obtain an address from the County Recorder based on access to the property from 4400 South. *(A-4-b-iii)*
6. Prior to recording the permit, the applicant must obtain approval for the location of the access points along 1500 West and 4400 South from the County Engineer to ensure they meet distancing and safety requirements. Any work done in the county right-of-way requires approval of an Encroachment Permit prior to the work being done. *(See A-4-b-iii, F-30-b)*
7. Prior to recording the permit, the applicant must obtain approval from the Fire Department for the required dry hydrant storage tank. A copy of the approval must be provided to the Department of Development Services. Future development on the property requires preliminary plan review by the County Fire District. Any future development must be evaluated and may require improvements based on the location and type of proposed development. *(A-4-b-iv, E-25)*
8. Any proposed signage must obtain approval of a Zoning Clearance and, if necessary, a building permit prior to installation. *(A-4-b-v)*
9. Prior to recording the permit, the applicant must work with the County Public Works Department to make the necessary road improvements or submit a request for and obtain approval of a design exception. Confirmation from the County Engineer is required to ensure applicable issues with the roads have been resolved prior to recordation. The proponent must pay all engineering costs associated with the road review. *(E-21, E-22, F-30-b)*
10. Prior to recording the permit, a site plan detailing the location of the required parking must be submitted to and approved by the Department of Development Services Office. Alternatively, a Parking Analysis as defined by the Cache County Land Use Ordinance may be submitted to the Development Services Office for the review and approval of the Director to determine the number of parking spaces needed for the facility. Evidence of professional licensure in the State of Utah must also be provided by the person preparing the analysis. The proponent must pay all engineering costs associated with the review of the Parking Analysis. *(E-23-a, E-23-b, F-30-b)*
11. Prior to recording the permit, the applicant must provide a plan to the County Engineer for the prevention and containment of potential leaks from equipment and vehicles related to the proposed uses. Additionally, a description regarding the disposal of non-hazardous waste must be provided to the Development Services Department. *(F-30-c)*
12. Prior to recording the permit and upon review and approval of the required site plan, the Director will determine whether additional screening is required to mitigate any detrimental visual impacts related to the proposed use. *(F-30-d)*

CONCLUSIONS (2)

Based on the findings of fact and conditions noted herein, staff recommends approval of the Advanced Shoring Conditional Use Permit 1st Amendment as:

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

April 11, 2019

March 11, 2020

Parcel ID#: 03-058-0022

Address: 1500 West 4350 South, Nibley, Utah 84321

Letter of Intent (CUP) Rev A:

The subject property consists of a flat, square shaped 10 acre lot that is zoned industrial (I) lot. It was previously zoned A-10 and at one point of time and a pig farm was operating on the property. There has been at least a decade since any sort of business has been operating on the land. The property is surrounded by a water treatment plant to the North and agricultural fields to the South, West and East sides of the property which are owned mostly by Earnest Miller.

Currently the property has 3 buildings with a combined floor area of approx. 8,460 sf (3,000, 1400 and 4060 sf). The buildings are open inside and are wood framed with metal exteriors. The buildings are furnished with power. The buildings are located in the Southwest portion of the property.

The property has a 5 ft tall fence along the West and South sides and access to the property is currently from the West along 1500 West through 3 swinging gates. One of these will allow a semi truck and trailer to enter.

An active well is located on the property. Currently a water use permit for business activities (regular office use) is approved by Utah State Division of Water rights. Letter provided.

The planned main use of the property is ~~housing~~ operating a construction company which will use the Southwest East quarter of the property for storing and refurbishing construction equipment. The plan is to ~~use the existing structures for this purpose with some modifications to the structures to better adapt to the planned use. Utilities will be installed such as water and septic system to the buildings. Power is already in place. A fire dry hydrant storage tank will be installed as well to meet the fire code.~~ erect an industrial shop structure with all the necessary utilities as per the attached site plan.

The number of employees working on the property will be between 5 and 10. Operation will be ongoing generally between 7 am and 7 pm on weekdays with some Saturdays included. No work planned on Sundays.

Access to the property will be ~~improved by moving part of the fence and the Southern gate back 20-30 feet along 1500 West and provide more room for trucks and traffic to turn through the gate.~~ through a new entrance/street from 4400 South as per the attached site plan. All parking and loading/unloading of trucks will be performed inside the fence and on the Southwest east quadrant of the lot. Up to 10 passenger vehicles such as cars and pickup trucks

are expected to enter the property ~~every~~ any weekday and one to two semi trucks per week at the most. Ample space for parking is available for parking on the premises and these will be around the new shop structure. ~~concentrated to around the South and middle buildings. Truck turnaround will be available on the South West side of the property.~~

Signage showing the address and company name will be placed at the new South Entrance gate according to Paragraph 17.23 of the County code.

Equipment used on site will consist mainly of forklifts, backhoes and cranes. Stored equipment will mainly consist of various types of foundation construction equipment such as drilling rigs and concrete pumps. Some materials will also be stored on the lot.

Waste and garbage will be collected in a dumpster which will be emptied regularly.

The large existing reservoir on the property will be filled in and levelled according to a wetlands delineation permit from the US Corps of Engineers.

A secondary usage of the property is planned for the Northwest portion of the property in the form of open air RV and boat storage. Some added fencing and gates will be installed for this activity. Access to this activity will be through the Northern gate along 1500 West. This usage would begin within three years.

No new construction of buildings is planned on the property at this time.

Please see the attached site plan for detailed information.

Staff Report: North Pine Canyon Ranch Rezone

7 May 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: Jarvis Maughan

Parcel ID#: 11-075-0007, -0026

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Angie Zetterquist

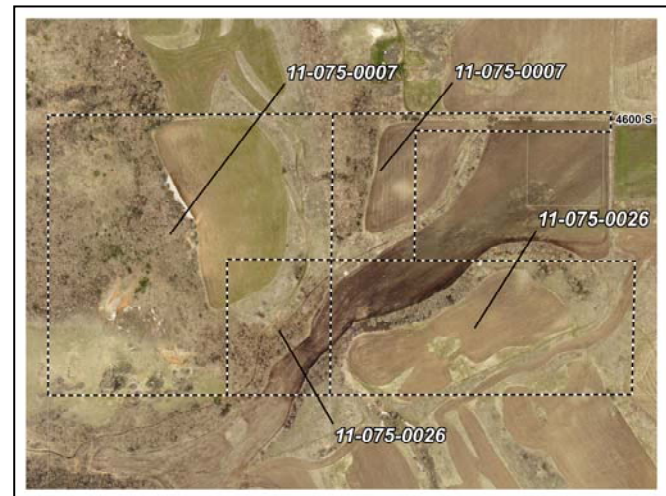
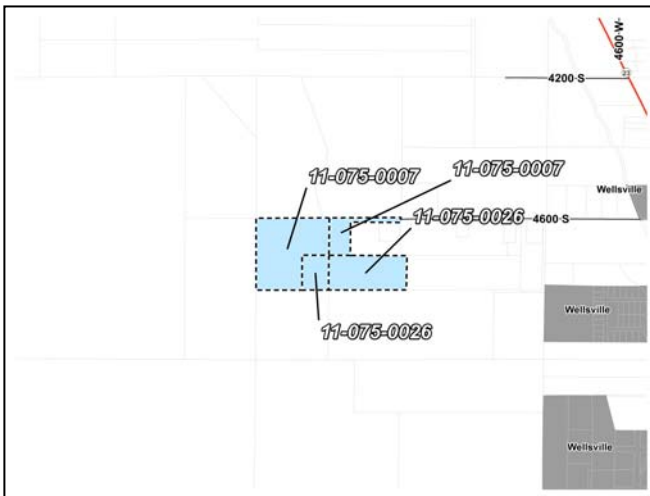
Project Address: **Acres:** ~42 of 71

~5500 West 4600 South
Wellsville

Current Zoning: **Proposed Zoning:**
Forest Recreation (FR40) Agricultural (A10)

Surrounding Uses:

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



Findings of Fact (17)

A. Request description

1. A request to rezone approximately 42 acres of two parcels totaling 71 acres from the Forest Recreation (FR40) Zone to the Agricultural (A10) Zone.
2. This rezone may allow the parcel to establish uses permitted in the Agricultural (A10) Zone. A rezone request is general in nature and is not tied to any proposed use. Any impacts related to permitted and conditional uses allowed within the A10 Zone will be addressed as part of each respective approval process required prior to site development activities.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached maps (Attachment A & B) and in the following text:

a. Land Use Context:

- i.** Parcel status: Both parcels are legal as they located within an approved subdivision, North Pine Canyon Ranch Subdivision, and are identified as agricultural remainders within that subdivision.
- ii.** At the time of the subdivision approval, the two subject properties had a split zoning: each parcel had a portion that was zoned A10 and a portion that was zoned FR40. The split zoning makes it difficult to calculate the overall density of the subdivision, and, per the Code, the two subject properties can only be developed in accordance with the most restrictive zone (i.e., FR40).
- iii.** The Agricultural (A10) Zone allows for a variety of uses with the approval of a zoning clearance and/or conditional use permit, including the following uses, that are not permitted in the current Forest Recreation (FR40) Zone:
 - Single Family Dwelling
 - Accessory Apartment
 - Home Based Business
 - Residential Living Facilities
 - Agricultural Manufacturing
 - Cemetery/Crematorium
 - Religious Meeting House
 - Concentrated Animal Feed Operation
 - Livestock Auction Facility
 - Boarding Facility
 - Topsoil Extraction
- iv.** Sensitive Areas: The portions of the subject properties currently zoned FR40 contain sensitive areas that may impact future development (Attachment B).
 - Source Water Protection Areas: A source water protection area covers portions of the subject properties within the FR40 zone. Septic systems are not permitted within zone 1 or 2 of the source water protection area for a culinary water system.
 - Areas of steep and moderate slopes are located in the FR40 zone of the subject properties. Areas of steep slopes cannot be developed or used in future density calculations for the subdivision. Additional review and analysis may be required for any proposed development in the moderate slope areas.
 - Landslide hazard areas as well as a possible fault line are located on the subject properties. Additional review and analysis may be required for any proposed development in these areas.
- v.** Adjacent uses: The properties adjacent to the subject rezone are primarily forest recreation, agriculture, and residential uses. The nearest single family residences are immediately adjacent to the subject properties to the north and east. Within the ¼ mile buffer area, there is one additional home and within the ½ mile buffer there are five additional parcels with homes, for a total of 8 parcels within ½ mile that have a home, all to the east of the subject properties. There are a total of 25 parcels without a home within ½ mile of the subject properties. There is one parcel without a home located in Wellsville City located within the ½ mile buffer area surrounding the property. Properties located within the ½ mile buffer are primarily zoned Forest Recreation west of the subject properties and Agricultural (A10) to the east. The boundary of Wellsville City is also within ½ mile of the subject properties to the east.

- vi. Annexation Areas: The subject property is located within the Wellsville City future annexation area. As the subject property is not located immediately adjacent to the city boundaries, a letter from the City regarding annexation was not required.

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

- 4. As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
- 5. The current County Land Use Ordinance does not specify appropriate locations for the Agricultural (A10) Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [C] identifies the purpose of the Agricultural Zone and includes the following:
 - a. To provide areas to promote and protect the opportunities for a broad range of agricultural uses and activities where farming is a viable component of the local economy.
 - b. To implement the policies of Cache Countywide Comprehensive Plan, including those regarding agricultural promotion, prime farmlands, density based residential standards, and clustering.
- 6. Any impacts related to permitted and conditional uses allowed within the Agricultural (A10) (C) Zone will be addressed as part of each respective approval process required prior to site development activities.

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

- 7. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
- 8. The Road Manual specifies the following:
 - a. Local Road: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.
 - b. Local Roads must meet the minimum standard of two, 10-foot wide paved travel lanes with 2-foot wide shoulders: 1-foot paved, 1-foot gravel (24 feet total width), 14-inches depth of granular borrow, a 6-inches depth of road base, 2.5-inches of bituminous surface course (asphalt), and a 66-foot wide right-of-way (ROW).
- 9. A basic review of the access to the subject property identifies the following:
 - a. Primary access to the parcel #11-075-0007 is from 4600 South; parcel #11-075-0026 has no frontage along a County Road.
- 10. 4600 South:
 - a. Is a County facility that provides access to the general public.
 - b. Is classified as a Local Road from the County line to 4900 West.
 - i. Has an average width of 22 feet (i.e., two 10-foot paved travel lanes and two 1-foot gravel shoulders).
 - ii. Has a 66-foot wide right-of-way.
 - iii. Has year round maintenance.
 - c. Is classified as a Rural Road from 4900 West to parcel #11-075-0007
 - i. Has a gravel width of 22-feet including travel lanes and shoulders.
 - ii. Has 66-foot wide right-of-way.
 - iii. Has year round maintenance.
 - d. Future development may require right-of-way dedication and road improvements.

D. Service Provisions:

- 11. §16.04.080 [C] Fire Control – The County Fire District reviewed the request and had no issues with the rezone request.
- 12. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental had no comments on the rezone request.

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

- 13. Public notice was posted online to the Utah Public Notice Website on 23 April 2020.
- 14. Notice was published in the Herald Journal on 25 April 2020.
- 15. Notices were posted in three public places on 23 April 2020.
- 16. Notices were mailed to all property owners within 300 feet and Wellsville City on 23 April 2020.
- 17. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

Staff Conclusion

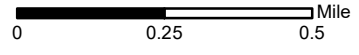
The North Pine Canyon Ranch Rezone, a request to rezone ~42 acres of two parcels totalling 71 acres from the Forest Recreation (FR40) Zone to the Agricultural (A10) Zone has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. Staff has not made a recommendation on this request and can assist the Planning Commission in drafting a recommendation based on the findings of fact identified above and any others identified at the public hearing.

4600 S

5400 S

5600 S

Wellsville



Legend

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

Average Parcel Size

Adjacent Parcels	With a Home: 6.5 Acres (2 Parcels)
	Without a Home: 42.2 Acres (14 Parcels)
1/4 Mile Buffer	With a Home: 4.8 Acres (3 Parcels)
	Without a Home: 105.6 Acres (19 Parcels)
1/2 Mile Buffer	With a Home: 6.8 Acres (8 Parcels)
	Without a Home: 90.3 Acres (25 Parcels)
	Without a Home in Wellsville City: 22.2 Acres (1 Parcel)

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





DEVELOPMENT SERVICES DEPARTMENT

BUILDING | SURVEYING | ENGINEERING | GIS | PLANNING & ZONING | ROADS | WEEDS

GIS PARCEL SUMMARY

Not Authoritative — For Preliminary Review Only

Generated on 27 Apr. 2020 at 03:28 PM

Parcel Number: 11-075-0007

Property Address: (Not Available)

Tax Roll Acreage: 42.04

Owner Name: LESLEE M & MARK S WESSEL

Owner Address: 580 S ADAIR SPRINGS LN
PINETOP, AZ 85935-7011

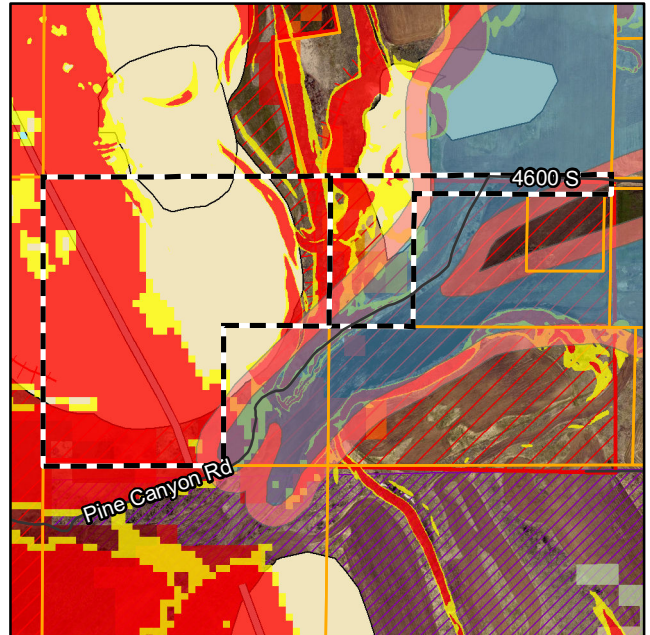
Jurisdiction: Cache County

Future Annexation Area: Wellsville

Base Zone: FR40 / A10

Overlay Zone: Mineral Extraction and Excavation Overlay (ME)

Initial Parcel Legality Review: Potentially a subdivision lot, verify on plat
Does not appear to match its August 8, 2006 configuration



Comprehensive maps can be found
at www.cachecounty.org/gis

NOTE: Parcel legality does **NOT** guarantee that a parcel or lot is buildable; it is only one step in the development process. All other requirements must still be met. Parcel legality should be verified before submitting a land use application.

Areas That May Require Further Analysis

Encroachment Permit	Moderate Slopes	Landslides
FEMA Floodplain	Steep Slopes	Wildland-Urban Interface
County Floodplain Buffer	Fault Lines	Wildfire Hazard Areas
Source Water Protection	Landslide Scarps	
Zones 1 or 2		

This overview is based on the information in the Cache County GIS databases. Please verify the potential presence of areas requiring further analysis with the County's webmaps. Sections 17.10, 17.17, and 17.18 of the Cache County Land Use Ordinance contain the development standards and requirements associated with these areas. The definition of "Parcel/Lot" in Section 17.07.040 outlines parcel legality.

Cache County assumes no liability for any errors, omissions, or inaccuracies in the information provided regardless of the cause of such or for any decision made, action taken, or action not taken by the user in reliance upon any maps or information provided herein. All datasets may contain errors. The information shown here is not intended to replace evaluation by a competent, licensed professional. In particular, the parcel boundaries are representational only and are not legal definitions of real property, nor are they intended to replace a land survey by a licensed surveyor.



DEVELOPMENT SERVICES DEPARTMENT

BUILDING | SURVEYING | ENGINEERING | GIS | PLANNING & ZONING | ROADS | WEEDS

GIS PARCEL SUMMARY

Not Authoritative — For Preliminary Review Only

Parcel Number: 11-075-0026

Property Address: (Not Available)

Tax Roll Acreage: 28.96

Owner Name: JARVIS S & NANCY M TRS
MAUGHAN

Owner Address: PO BOX 22
WELLSVILLE, UT 84339-0022

Jurisdiction: Cache County

Future Annexation Area: Wellsville

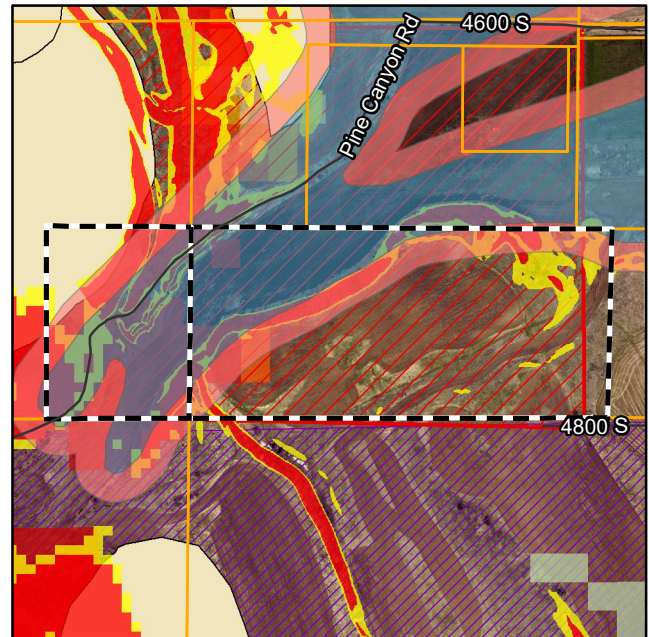
Base Zone: FR40 / A10

Overlay Zone: Mineral Extraction and Excavation Overlay (ME)

Initial Parcel: Potentially a subdivision lot, verify on plat

Legality Review: Does not appear to match its August 8, 2006 configuration

Generated on 27 Apr. 2020 at 03:31 PM



*Comprehensive maps can be found
at www.cachecounty.org/gis*

NOTE: Parcel legality does **NOT** guarantee that a parcel or lot is buildable; it is only one step in the development process. All other requirements must still be met. Parcel legality should be verified before submitting a land use application.

Areas That May Require Further Analysis

FEMA Floodplain
County Floodplain Buffer
Source Water Protection
Zones 1 or 2



















Moderate Slopes
Steep Slopes
Landslide Scarps














Landslides
Wildland-Urban Interface
Wildfire Hazard Areas

This overview is based on the information in the Cache County GIS databases. Please verify the potential presence of areas requiring further analysis with the County's webmaps. Sections 17.10, 17.17, and 17.18 of the Cache County Land Use Ordinance contain the development standards and requirements associated with these areas. The definition of "Parcel/Lot" in Section 17.07.040 outlines parcel legality.

Cache County assumes no liability for any errors, omissions, or inaccuracies in the information provided regardless of the cause of such or for any decision made, action taken, or action not taken by the user in reliance upon any maps or information provided herein. All datasets may contain errors. The information shown here is not intended to replace evaluation by a competent, licensed professional. In particular, the parcel boundaries are representational only and are not legal definitions of real property, nor are they intended to replace a land survey by a licensed surveyor.

SENSITIVE AREAS

AREA	LEGEND	IF AREA PRESENT:
Natural and/or Manmade Waterways		
Wetlands		Wetland delineation, the review and determination of wetland areas, may be required. Development in wetland areas shall not occur except as permitted by the U.S. Army Corps of Engineers. Wetland acreage does not count toward the assessment of developable acreage.
Water Bodies		Development shall not occur in waterways, and acreage identified as waterways does not count toward the assessment of developable acreage. Additional setbacks are required from waterways.
Major Waterways		
Canals		
Floodplain		
FEMA Floodplain		A Floodplain Permit is required. See §17.18.040 Sensitive Areas Analysis [A-2-c] and §17.18.050 Standards and Development Plan [B-3] for requirements. If structures are located within the county floodplain buffer, the owner/developer must provide an elevation certificate documenting a minimum of 1' of freeboard for structures, or meet the requirements of FEMA Technical Bulletin 1 / August 2008.
Floodplain Buffer		
Source Water Protection Zones		
Zone 1 or 2	(No symbol)	Septic systems are not permitted within Zone 1 or 2 of a source water protection zone. See §17.10.050 Supplemental Standards [A-3-b] .
Slopes		
Moderate Slopes		Any development on moderate slopes requires a geotechnical report. See §17.18.040 Sensitive Areas Analysis [A-2-a] and §17.18.050 Standards and Development Plan [B-1, 5] , and §17.18.060 Geotechnical Report Minimum Standards for requirements .
Steep Slopes		Development is not permitted on steep slopes, and this acreage does not count toward the assessment of developable acreage. See §17.18.040 Sensitive Areas Analysis [A-1-b] and §17.18.050 Standards and Development Plan [A-2] for requirements.
Geologic Hazards		
Fault Lines		A geotechnical report is required if development is proposed within the hazard area(s). See §17.07.040 General Definitions; Geologic Hazard; Sensitive Area; for requirements see §17.18.040 Sensitive Areas Analysis [A-2-e] and §17.18.050 Standards and Development Plan [B-5] , and §17.18.060 Geotechnical Report Minimum Standards .
Debris Flow		
Landslide Scarps		
Landslide		
Liquefaction Potential:		
6=Moderate to High		
7= High		
Important Habitat Areas		
Maguire Primrose		A Habitat Management Plan is required. See §17.18.040 Sensitive Areas Analysis [A-2-d] and §17.18.050 Standards and Development Plan [B-4] for requirements.
Canada Lynx		
Greater Sage Grouse		
Yellow-Billed Cuckoo		

Wildfire Hazards																			
Wildland-Urban Interface		Wildland-Urban Interface; Additional requirements and standards may apply. Contact the Cache County Fire District (435) 755-1670 and refer to the 2006 Utah Wildland-Urban Interface Code .																	
Wildfire Threat Level Index																			
<table border="1"> <thead> <tr> <th>Wildfire Threat Level</th> <th>Assess Group</th> </tr> </thead> <tbody> <tr> <td>0 Urban, Agriculture, Barren or Water</td> <td></td> </tr> <tr> <td>1 Very Very Low</td> <td rowspan="3">LOW</td> </tr> <tr> <td>2 Very Low</td> </tr> <tr> <td>3 Low</td> </tr> <tr> <td>4 Low to Moderate</td> <td rowspan="2">MODERATE</td> </tr> <tr> <td>5 Moderate</td> </tr> <tr> <td>6 Moderate to High</td> <td rowspan="3">HIGH</td> </tr> <tr> <td>7 High</td> </tr> <tr> <td>8 Very High</td> </tr> <tr> <td>9 Extreme</td> <td></td> </tr> </tbody> </table>	Wildfire Threat Level	Assess Group	0 Urban, Agriculture, Barren or Water		1 Very Very Low	LOW	2 Very Low	3 Low	4 Low to Moderate	MODERATE	5 Moderate	6 Moderate to High	HIGH	7 High	8 Very High	9 Extreme			<p>The Utah Wildfire Risk Assessment Portal (https://wildfirerisk.utah.gov/) is the primary mechanism for Utah Division of Forestry, Fire, and State Lands to deploy wildfire risk information and create awareness about wildfire issues across the state. The Wildfire risk and threat data layers were developed as part of the West Wide Wildfire Assessment covering the seventeen Western States. Collectively these applications will provide the baseline information needed to support mitigation and prevention efforts across the state. A more detail report can be generated from the website link above.</p>
Wildfire Threat Level	Assess Group																		
0 Urban, Agriculture, Barren or Water																			
1 Very Very Low	LOW																		
2 Very Low																			
3 Low																			
4 Low to Moderate	MODERATE																		
5 Moderate																			
6 Moderate to High	HIGH																		
7 High																			
8 Very High																			
9 Extreme																			
Agricultural Protection Areas																			
Protection Areas 100' Buffer	 	See the recorded Agriculture Protection Area. See §2.70 Agriculture Protection Area Advisory Board ; See also UCA §17-41 .																	
Airport Overlays																			
65 Ldn Noise Area		For airport areas, see §17.17.060 Schedule of Uses to determine if the proposed use is permitted in the airport zone . Federal Aviation Administration (FAA) review may also be required.																	
Inner Approach Zone																			
Approach Zone																			
Traffic Pattern Zone																			
Influence Area																			
FAA Regulation Part 77																			
1,000 ft / 100 = 10 ft																			
2,000 ft/ 100 = 20 ft																			
3,000 ft/ 100 = 30 ft																			
4,000 ft/ 100 = 40 ft																			
4,500 ft/ 100 = 45 ft																			
Encroachment Permit (County Roads)																			
Encroachment Permit	(No Symbol)	An Encroachment Permit is required when working within the county right-of-way see, §12.02.020: Development of Roadways see §12.01.050: Damage to Roadways .																	

North Pine Canyon Ranch Rezone

Option 1 – Recommend Approval

Planning Commission Conclusion

Based on the findings of fact noted herein, the North Pine Canyon Ranch Rezone is hereby recommended for approval to the County Council as follows:

1. The location of the subject property is compatible with the purpose of the Agricultural (A10) Zone as identified under §17.08.030[A] of the Cache County Code as it:
 - a. The location of the subject properties is compatible with the purpose of the proposed A10 Zone.
 - b. The proposed A10 Zone is consistent with the zoning of the approved subdivision in which they are located and will eliminate the split zoning of the two subject properties.
 - c. The historic and current use of the properties is agricultural and is suitable for development within the A10 Zone without increasing the need for variances or special exceptions within this zone.

Option 2 – Recommend Denial

Planning Commission Conclusion

Based on the findings of fact noted herein, the North Pine Canyon Ranch Rezone is hereby recommended for denial to the County Council as follows:

1. The location of the area of the subject properties to be rezoned is not compatible with the purpose of the Agricultural (A10) Zone.
2. The portion of the subject properties to be rezoned are more appropriate and consistent with the purposes of the Forest Recreation (FR40) Zone due to limited access, presence of sensitive areas not compatible with development, and will conflict or have deleterious effects upon surrounding properties.

Staff Report: Pinnacle Estates LLC Rezone

7 May 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: Andrew Lillywhite
Staff Recommendation: None
Type of Action: Legislative
Land Use Authority: Cache County Council

Parcel ID#: 11-020-0002

Location

Reviewed by Angie Zetterquist

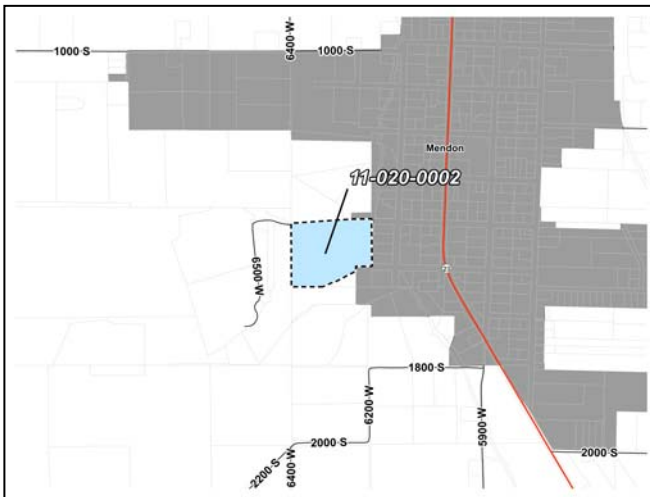
Project Address: 190 South 300 West
Mendon

Acres: 30.10

Current Zoning: Agricultural (A10)

Proposed Zoning: Rural 2 (RU2)

Surrounding Uses:
 North – Agricultural/Residential/Mendon City
 South – Agricultural/Residential
 East – Mendon City/Residential
 West – Agricultural/Forest Recreation



FINDINGS OF FACT (16)

A. Request description

1. A request to rezone a 30.10 acre property from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
2. This rezone may allow the parcel to be legally divided into a maximum of 15 separate lots as part of a subdivision process.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text:

a. Land Use Context:

- i.** Parcel status: The parcel is legal as its present size and configuration is the same as of August 8, 2006.
- ii.** Average Lot Size: The subject parcel is 30.10 acres and has one home; there are no other parcels in unincorporated county with a home within a ¼ mile buffer of the proposed rezone. There are 7 parcels with homes in Mendon City immediately adjacent to the subject property with an average lot size of 1.4 acres. There are 11 parcels without a home in unincorporated county immediately adjacent to the subject property with an average lot size of 13.7 acres; in Mendon City there are 4 parcels without a home and an average size of 2.3 acres.

Within a ¼ mile of the proposed rezone the average size of parcels (48 parcels) with a home in Mendon City is 1.0 acre. The average size of parcels (27 parcels) in the ¼ mile buffer without a dwelling in Mendon City 2.3 acres; in unincorporated County there are 24 parcels without a home and average lot size of 13.9 acres.

When the buffer is expanded to a ½ mile of the proposed rezone, there are 4 parcels with a home in unincorporated County with an average size of 4.9 acres and 40 parcels without a home at 19.9 acres average. In Mendon City within the ½ mile buffer, the average size of parcels with a home (147 parcels) is 0.9 acres and the average size of parcels (570 without a home) is 6.6 acres. (Attachment A)

The proposed RU2 zone allows a maximum density of 1 lot for every 2 acres, whereas the current A10 zone allows a maximum density of 1 lot for every 10 acres. With approximately 30.10 acres of property, the subject property may allow up to a maximum of 3 lots; a rezone to RU2 may allow up to 15 buildable lots.

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

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

- iv.** Adjacent uses: The properties adjacent to the subject rezone are primarily used for agriculture with single family dwellings located primarily to east within Mendon City.

In 1995, the Deep Canyon Farm Subdivision, a 3-lot subdivision, was approved on the property immediately north of the subject property. The approvals from both Planning Commission and the Board of Adjustments clearly stated that access to the lots would be from a private road, Thimbleberry Lane. Further, access to the private road was from an unmaintained County road that did not meet the required road standards and the County had no intention of improving or maintaining the portion of the County road that provided access to the private road. To date, no homes have been constructed on any of the 3 lots.

- v. Annexation Areas: The subject property is located within the Mendon City future annexation area and, in March 2020, the applicant did petition for annexation into the city. However, at the March 12, 2020 Mendon City Council meeting the petition was denied. (Attachment B)
- vi. Zone Placement: As identified by the Planning Commission and the County Council at the time the RU2 Zone was adopted, the intended/anticipated placement of this zone was in areas of the unincorporated county adjacent to municipalities. The Mendon City boundary, at its closest point, is immediately adjacent to the subject property on the east.
The nearest RU2 zone is approximately 1.4 miles southeast of the subject property by the most direct road route. This RU2 zone was approved as the Mountain View Meadow Rezone in November 2018. The rezone was for a 6.29 acre parcel located on 2000 South, a maintained County road that required minimal improvements when the 3-lot subdivision was approved in February 2019.

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

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

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

- 7. The Road Manual specifies the following:
 - a. §2.1-A-4 Rural Road, Table 2.2 Roadway Typical Sections: Roads with up to 30 ADT. This includes roadways that have the capacity for moderate to low speeds and low volumes. This category provides access to farms, other agricultural uses, and dispersed rural residences. Gravel or chip & seal road surfacing is typically acceptable and must meet the minimum standard of two, 10’ wide gravel travel lanes with 2’ wide gravel shoulders (24’ total width), 14” depth of granular borrow, a 6” depth of road base, and chip-seal requirements as applicable
 - b. §2.1-A-3 Local Road, Table 2.2 Roadway Typical Sections: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.

- c. Local Roads must meet the minimum standard of two, 10-foot wide paved travel lanes with 2-foot wide shoulders: 1-foot paved, 1-foot gravel (24 feet total width), 14-inches depth of granular borrow, a 6-inches depth of road base, 2.5-inches of bituminous surface course (asphalt), and a 66-foot wide right-of-way (ROW).
8. A basic review of the access to the subject property identifies the following:
 - a. Primary access to the subject property is from 1400 South, a County road along the frontage of the property that continues west and south along 6500 West for approximately $\frac{3}{4}$ of a mile before it dead-ends. Immediately east of the property frontage, the county road changes to a Mendon City road and continues into the City.
 9. 1400 South:
 - a. Begins at the northeast corner of the subject property; access to the existing single family home is immediately off the corner from the Mendon City road (i.e., 300 West, where the property takes its address from).
 - b. Is an existing county facility that provides access to agricultural properties.
 - c. Is classified as a Rural Road.
 - d. Consists of an average width of 12-13 feet with a surface material of gravel and dirt, which does not meet the requirements of a Rural or Local Road per the Road Manual.
 - e. Is graded twice a year by the County, but has no winter maintenance.
 - f. There is no recorded right-of-way along the frontage of the subject property.

D. Service Provisions:

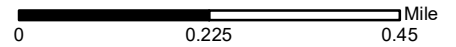
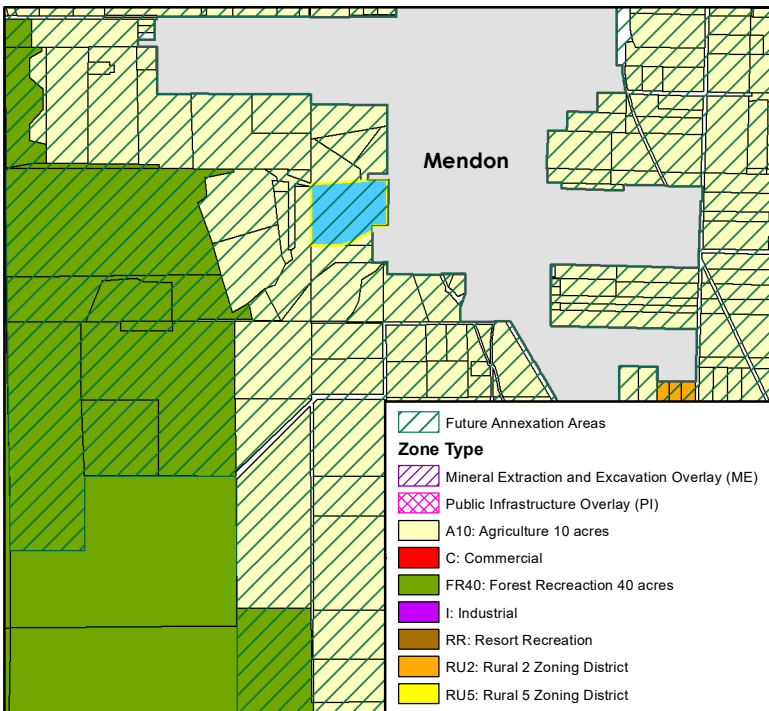
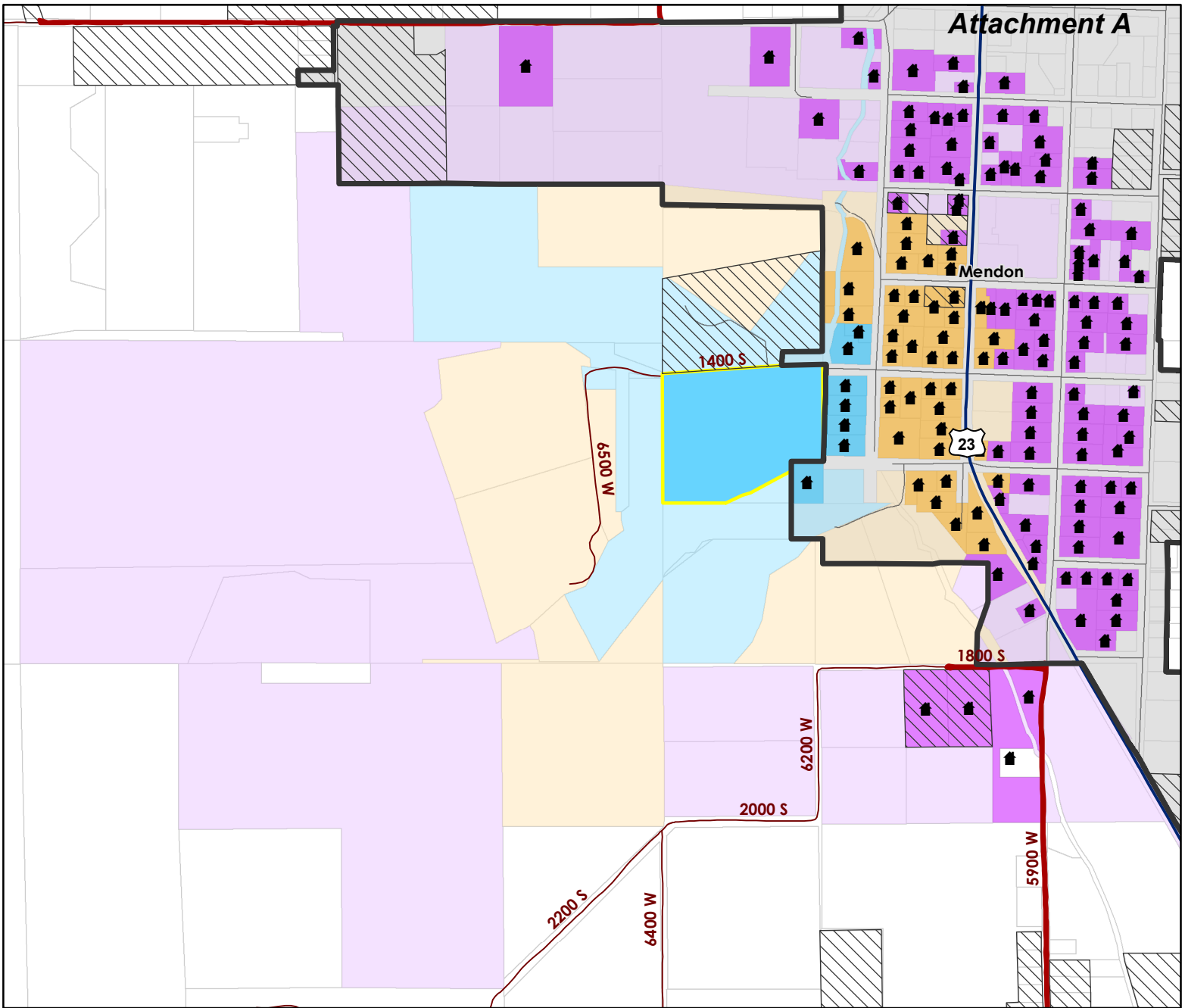
10. §16.04.080 [C] Fire Control – The County Fire District had no comments on the rezone. Future access must be reevaluated and may require improvements based on the location of any proposed structure on lots created through a subdivision process.
11. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental did not have any comments on the rezone.

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

12. Public notice was posted online to the Utah Public Notice Website on 23 April 2020.
13. Notice was published in the Herald Journal on 25 April 2020.
14. Notices were posted in three public places on 23 April 2020.
15. Notices were mailed to all property owners within 300 feet and Mendon City on 23 April 2020.
16. Staff has received written comment from Mendon City stating they are not in favor of the rezone request (Attachment C). In their letter, Mendon City cites issues with stormwater, runoff, access to and pressurization of culinary water, and road issues as reasons they oppose the rezone.

CONCLUSION

The Pinnacle Estates LLC Rezone, a request to rezone 30.10 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. Staff has not made a recommendation on this request and can assist the Planning Commission in drafting a recommendation based on the findings of fact identified above and any others identified at the public hearing.

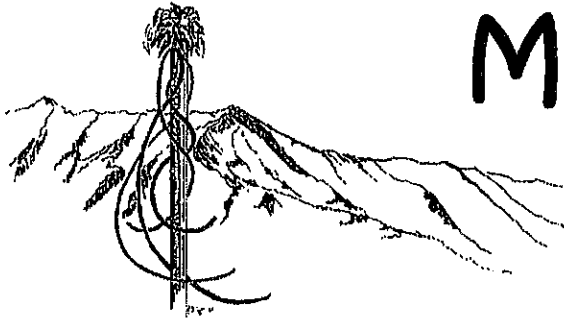


Legend

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

Average Parcel Size	
Adjacent Parcels	With a Home in Mendon City: 1.4 Acres (7 Parcels)
	Without a Home: 13.7 Acres (11 Parcels)
	Without a Home in Mendon: 2.3 Acres (4 Parcel)
1/4 Mile Buffer	With a Home in Mendon City: 1 Acre (48 Parcels)
	Without a Home: 13.9 Acres (24 Parcels)
	Without a Home in Mendon City: 2.3 Acres (16 Parcels)
1/2 Mile Buffer	With a Home: 4.9 Acres (4 Parcels)
	With a Home in Mendon City: 0.9 Acres (147 Parcels)
	Without a Home: 19.9 (40 Parcels)
	Without a Home in Mendon City: 2.8 Acres (57 Parcels)





Mendon City

P.O. Box 70

Mendon, UT 84325

Phone (435) 753-3449

Paul Cressall
Mendon City Recorder
435-752-2439

Re: Petition for Annexation to Mendon City

This letter is to inform you of the results of the petition to annex to Mendon City. The Mendon City Council met in their regular city council meeting on March 12, 2020. During the meeting the petition was considered, and in a vote by the Mendon City Council, was denied.

Minutes and audio of the meeting will soon be available if you were not able to attend.

Mendon City Recorder

Cc: Seth Tait; Sherwin & Jane Seamons; Cache County Boundary Commission



Mendon City Corporation

P.O. Box 70 Mendon, UT 84325

Phone (435) 753-3449

www.mendoncity.org

April 27, 2020

Cache County Development Services Department
179 North Main, Suite 305
Logan, UT 84321

Dear Cache County Planning Commission,

Mendon City is responding to the request of Pinnacle Estates LLC to the planning commission to rezone 30.10 acres at approximately 190 South 300 West from Agricultural Zone (A10) to Rural 2 Zone (RU2). Mendon City previously denied an annexation request for the parcel in question due to significant issues created by increasing the housing density on the property.

Mendon City is **not** in favor of rezoning the parcel to the higher RU2 density for the following reasons:

- 1) Stormwater and flooding to streets and properties within Mendon City. In the winters of 2012 and 2017 Mendon City had significant flooding events occur directly below the area being considered. The property slopes to the North/Northeast and overland flows have been directed North into an existing small city drainageway. The redirected flows have caused damage to city roads and threatened homes along 100 South within Mendon City. Increased housing density and the resultant roads, roofs, and driveways will create additional harden surfaces that will significantly increase flood flows further impacting the area. Mendon currently has no system in place to handle the increased volume of water and transport it safely through town to the East. Mendon City will look to Cache County for financial compensation for damages caused by increased flows to downstream city areas if the rezone is approved and adequate stormwater retention measures and management practices are not fully implemented.
- 2) Mendon City's search for additional culinary water sources conducted in 2009 through 2017 indicates that groundwater to the west of Mendon City is limited. Mendon City questions that there is a sufficient volume of water to sustain the number of homes and subsequent acreage that would be allowed under an RU2 designation. Insufficient water to support 2 acres of property could result in small, overgrazed parcels creating additional runoff and flooding to the area. A large weed problem due to lack of enough vegetative cover may also result due to homeowners wanting to raise animals on ground not receiving enough irrigation. Many small wells immediately above Mendon City could impact the appropriated water rights from springs and seeps located below the property and down gradient from the wells. Mendon City would look to Cache County to provide sufficient evidence that no existing water rights would be affected by any wells resulting from the rezone.



Mendon City Corporation

P.O. Box 70 Mendon, UT 84325

Phone (435) 753-3449

www.mendoncity.org

- 3) Mendon City's current annexation policy acknowledges the pressure limitation of the city culinary system above the elevation of 4590 feet above sea level (approximately the elevation of the Wellsville Mendon Canal above and to the West of town). Knowing the city cannot provide pressurized culinary water above that elevation at this time resulted in a city agricultural zone (A10) designation for any property wishing to annex into the city above the canal. In matching the county's current zoning for the area West of Mendon it was viewed as way to avoid significant runoff problems and allow time for the city to develop additional high elevation water sources and develop and implement a new stormwater management plan. Mendon City is currently pursuing additional financial and technical resources to accomplish both objectives.
- 4) The road between 200 and 300 West servicing the property requesting a rezone is gravel. Any increased vehicle traffic resulting from an RU2 designation should require that the road be upgraded to meet current Mendon City road standards and specifications including asphalt surface of 24 feet in width and swales on either side. Furthermore, the canal bridge within this stretch of road is narrow and should also be widened and upgraded to adequately and safely convey vehicle traffic and permit pedestrian passage. The segment of road and canal bridge described are currently not priority projects for Mendon City and no improvements have been budgeted. Mendon City must review and approve any proposed changes to the city right-of-way.
- 5) Mendon City's current General Plan calls for maintaining the original 10-acre block/grid system upon which the city was originally developed. While the city acknowledges that by not allowing annexation of the property in question into the city relinquishes our control of the decisions surrounding the development, it does not make sense to allow development to occur at a higher density bordering the city but beyond local services like snow removal, water system maintenance and street repair.

In conclusion, Mendon City appreciates notification of the rezone request and the opportunity to respond in writing. We appreciate the planning commission's due diligence in considering the above identified issues in their deliberations.

Sincerely,

Ed Buist, Mayor, Mendon City

Pinnacle Estates, LLC Rezone

Option 1 – Recommend Approval

Planning Commission Conclusion

Based on the findings of fact noted herein, the Pinnacle Estates LLC Rezone is hereby recommended for approval to the County Council as follows:

1. The location of the subject property is compatible with the purpose of the Rural (RU2) Zone as identified under §17.08.030[A] of the Cache County Code as it:
 - a. Is in close proximity to the Mendon City boundary.
 - b. Allows for residential development in a moderately dense pattern that can allow for rural subdivisions without impeding adjacent agricultural uses.

Option 2 – Recommend Denial

Planning Commission Conclusion

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

1. Access to the subject property is from an unmaintained, substandard County road that will require substantial improvements to meet the minimum county standard.
2. Access to future development would require approval of an extension of services on a County road that is not connected to an existing maintenance route.
3. Access comes through Mendon City and issues with infrastructure would be better addressed as part of a Mendon City development through annexation.

Staff Report – Jay R’s Auto and Salvage CUP Revocation Review

May 7, 2020

SUMMARY

A. Purpose

1. The purpose of this review is to allow the Planning Commission (Commission) to either revoke the existing Jay R’s Auto and Salvage 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.

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 April 18, 2000 and recorded on May 11, 2000. No amendments to the original approval have been requested or approved. Copies of the CUP, Letter of Intent, and Business License clearance have been included as Attachment 1.
5. Earlier this year, the county received an inquiry regarding the property as part of the due diligence of prospective buyer of the property. It was stated that the original owner had passed away and the property was for sale. The prospective buyer was interested in continuing to operate a salvage yard.
6. In reviewing the original CUP approval and conditions, staff determined that the existing use was a legal, non-conforming use as it had been approved at a time the salvage use was allowed in the Agricultural Zone, but the Code no longer allows this type of use in the A10 zone. As it was a legal, non-conforming use, staff indicated to the prospective buyer that he could continue to operate the business as approved since the business license had remained and was still active.
7. The prospective buyer asked about making some modifications to the use including constructing new buildings to operate the salvage facility. At that time, staff conducted a site

visit and determined that it appears the CUP is out of compliance with the original conditions, and this revocation review was scheduled to determine the path forward.

8. The operator appears to be out of compliance with the original stated description of the use, conditions 4, 5, and 7 of the CUP, and specific requirements identified in the original staff evaluation.
 - a. The CUP describes the use as follows: “To allow a commercial business for the storage and salvaging of parts from used cars to be located on 7 acres of a 19 acre parcel of property which includes a gutted manufactured home to be used as storage.” Images from a site visit and aerial photographs indicate that the type of salvage has expanded beyond just parts from used cars. There is a varied collection of items located in the area designated as the salvage area as well as spilling out to the front and side yards beyond the front screen fence. (Attachment 2)
 - b. Condition #4 specifies that the original manufactured home (to be used for storage) to be on a foundation. The applicant did obtain a building permit to fulfill that condition, but the images of the property indicate additional unpermitted structures were built and utilized for the facility beyond what was allowed in the approved CUP.
 - c. Condition #8 states that the salvage area must be screened with an 8-foot high screen fence. Images from the site show an approximately 6-foot high chain link fence around the perimeter of the salvage yard, but no screening. Limited screening is provided on the east side and the northwest side of the fence is adorned with automobile hubcaps.
 - d. Condition #7 requires landscaping to be planted in the summer of 2000. Again, the images do not show any trees or landscaping on the property for the salvage facility.
 - e. The staff evaluation dated 18 April 2000 also states that the applicant had a UDOT permit on file to install a turn lane and culvert for the access to the property from Highway 218, a UDOT facility. The applicant’s letter of intent/master plan he states he has 2 years to install the asphalt turning lane. A site visit confirmed that a turn lane has not been installed. In addition, a 2nd unapproved access point was created on the east side of the property that led to an area with a “Drop Off” sign posted. According to the information in the file, there was only to be one access point for the use that provided required access and turnarounds.
9. As required, the property owner has been noticed of the meeting for revocation review a minimum of 30 days prior to the meeting (Attachment 3).

D. Findings

10. Staff has reviewed the known activities against the requirements of the CUP, and the Land Use Code conditions as directed by the Ordinance as follows:
 - a. Was the CUP obtained in a fraudulent manner?
 - i. No.
 - b. Has the use for which the CUP was granted ceased for a minimum of twelve (12) consecutive calendar months?
 - i. No.
 - c. Has the nature of the use for which the CUP was granted changed, or has the intensity of use increased beyond that originally approved?
 - i. Yes.
 - d. Does the use constitute a nuisance as defined by County Code?
 - i. No. Staff has no evidence to substantiate that the use is a nuisance.

- ii. Within the purview of the Planning Commission, the County Land Use Ordinance defines nuisance as:
“Any use or activity which emits noise, smoke, dust, odor, or vibration in amounts sufficient to substantially depreciate values of surrounding buildings or lands, or a use or activity which substantially deprives the owners of adjoining property of a property right.”
Chapter 8.24 Nuisances from the County Code also addresses nuisances. Any complaint made under this chapter must be addressed to the County Fire Chief and is outside the purview of the Planning Commission.
- e. Have all the conditions of the Conditional Use Permit been met?
 - i. No.

CONCLUSIONS

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

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

RECOMMENDATION

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

CONDITIONAL USE PERMIT
CACHE COUNTY

Table with 3 columns: Date Issued (5/11/00), Receipt No. (142473), Permit No. (829-00)

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

NAME Jay R. Griffin/ Jay R's Auto and Salvage ZONE Ag.

ADDRESS 4432 West 6200 North TAX # 13-043-0013

Benson, UT 84335 # of ACRES 10

DATE OF ACTION: 18 April 2000 LEGAL DESCRIPTION ATTACHED

CONDITIONAL USE PERMITTED: To allow a commercial business for the sotrage and salvaging of part from used cars to be located on 7 acres of a 10 acre parcel of property which includes a gutted manufactured home to be used for storage of parts.

This conditional use permit is subject to the following specific conditions: 1) Current and future owners of this property must comply with any variance or special exception issued by the Board of Adjustment in conjunction with this permit. 2) Current and future property owners must be aware that they will be subject to the sights, sounds, and smells associated with agricultural activities which are the permitted uses in the Agricultural Zone (Ag) and Forest Recreation Zone (FR-40).

Additional Stipulations: 3) See #2 above. 4) The gutted manufactured home to be used for storage of parts must be on a permanent foundation. 5) 2 of the 7 acres to be used for the busines must be fenced with an 8-foot high screened chain link fence during the summer of 2001 and must increase as the business expands. 6) Should this business fail, there will be a 6 month deadline for the clearing of the ground and restoring it to farmland. 7) Landscaping (trees) must be planted during the summer of 2000. 8) The applicant may hire up to 2 part-time employees as needed. 9) A County business license must be obtained and kept current for as long as this business is inoperation.

ENT 738331 Bk 944 Pg 505
DATE 11-MAY-2000 3:02PM FEE 12.00
MICHAEL L GLEED, RECORDER - FILED BY KM
CACHE COUNTY, UTAH
FOR JAY R'S AUTO & SALVAGE

Expiration: This conditional use permit shall expire and be null and void one (1) year after the Date of Action 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; and 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 May 2, 2000

Signature of Cache County Zoning Administrator

AGREEMENT OF ACCEPTANCE

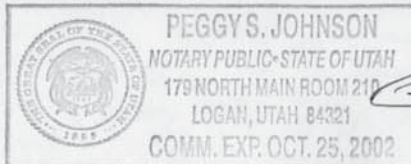
I have read, understand and agree to comply with the Land Use Ordinance and the terms of this permit. I realize that in order to do any construction on the property, I will be required to obtain a County Building Permit and that I will need to meet the standards of Cache County for any improvements. 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 5-11-2000

Signature of Applicant/Property Owner

STATE OF UTAH
COUNTY OF CACHE

Sworn to and subscribed to before me this 11th day of May, 2000.



Signature of Notary Public

EVALUATION
JAY R. GRIFFIN
COMMERCIAL BUSINESS
18 APRIL 2000

Jay R. Griffin is requesting a conditional use permit to allow a commercial business to be called Jay R's Auto and Salvage for the storage and salvaging of parts from used cars to be located on 7 acres of a 10 acre parcel of property in the Agricultural Zone which includes a gutted manufactured home to be used for the storage of parts until a building can be constructed at 4432 West 6200 North, Benson, and continued at the 15 February 2000 meeting. Mr. Griffin will be the sole proprietor and may require two part time young employees as the business expands. He would be required to construct an 8-foot high screening fence around the business so that the storage of old vehicles would not be in view of the public. He has indicated that he would be responsible for appropriate landscaping. There should be a time limit placed on this landscaping and the construction of the fence so that it would be completed in a timely fashion. The driveway to this business would be longer than 150 feet and would require a 20-foot wide gravel surface and an approved turn-around (constructed to meet county requirements) near the business storage building. The driveway and turn-around will need to be completed and approved by the County Fire Chief's Office and the County Surveyor's office prior to the release of a zoning clearance for a building permit. There is a UDOT permit on file stating the applicant must install a turn line and culvert. The building inspector would need to approve the building for the use that is proposed. The business would require a current County Business License for as long as the business is in operation. If the business did not continue, it should require that all used cars and any junk or salvage be removed from the property. There should be a time limit placed on the clean-up of the property so that a junk yard would not be allowed to remain on the property indefinitely. The Planning Commission continued this request to give the applicant time to investigate a secondary location, obtain an opinion on EPA regulations for this type of business and submit a Master Plan including description of the retail business. The applicant has submitted a letter concerning the master plan, however it does not address the proposed retail business. Bear River Health Department submitted guidelines developed by the EPA and the State of Utah for an automobile recycling industry.

Jay R Griffin
204 East Main
Richmond, UT 84333
435-258-1083

Benson Planning District Commission

Dear Commission:

Thank you for your unanimous approval of my single family dwelling on ten acres at 4432 West 6200 North Benson on February 15, 2000.

My second request was for a small business at the same location, on the lower seven acres. I have investigated the secondary location in question, and find no logical reason for the move. It would be a financial, physical disadvantage to me and the business. The 10 acres I own provide a much more pleasing prospect to future customers than the alternate site suggested. I have spent two years planing this project.

I have contacted the EPA and discussed the environmental issues with Keith Larsen from the Bear River Health who represents the EPA. He informed me of the guide lines I must follow and sent you a copy of these guidelines. These guidelines also contain information that does not applies to my business.

You asked me for a Master Plan.

In the summer of 2000 I would construct my home and follow building codes for the 12 by 60 foot storage building. I will start fencing and landscaping my property. The turning lane and driveway will be completed with a hard surface. Tommy Virgil, UDOT Encroachments and Permits Officer, informed me I have two years, to asphalt the turning lane. My bond for the turning lane is also valid for the same period of time.

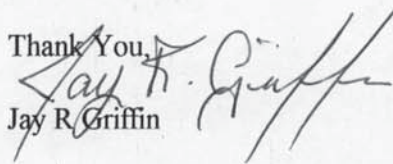
In 2001 I would construct a cement foundation for work on cars. All vehicles will be drained of gas and oil which will be contained and disposed of in compliance with Utah solid waste regulations. This will be done before the cars are set in rows on the land. I would also like to, build a shop, finish the fence around the seven acres and prepare to open for business.

In 2002 I would like to build another parts building, which would house used auto parts to be sold to the public.

As I have stated previously, this is not intended to be a large operation. Everything will be contained and confined within my land and fence, unlike other similar business's and homes. All I would like to do is to make a living and provide a much needed Used Auto Parts outlet. This will provide a welcome service to the community.

Thank You,

Jay R Griffin



CACHE COUNTY
ZONING OFFICE
BUSINESS LICENSE REVIEW

DATE: 25 April 2000

The following business activity described as:

Jay R's Auto and Salvage

To be operated by:

Jay R. Griffin

and located at:

4432 West 6200 North Benson, UT 84335

has been reviewed and found to be in conformance with Section(s)
4-3 X. of the Cache County Zoning Ordinance.

REMARKS: This business is an auto salvage business to be located in Benson. The business will be located on 7 acres of a 10 acre parcel. The home will be located on the front 3 acres. Mr. Griffin will go pick up damaged cars with one of the two trucks he owns. He will then take the cars to his property, drain them of fluids, and strip them of usable parts that he will later sell. The fluids will be drained from the cars on cement slabs to be installed. The cars will then be stored on a gravel bed covering clay soil. There will be a screened fence surrounding a two acre portion of the 7 acres and will expand as the business expands. Scrap metals will be hauled to Western Metal. The gasoline and antifreeze will be stored in drums until full and then will be picked up for proper disposal. Mr. Griffin will hire up to two part time young employees as needed. There is a gutted manufactured home that will be used to store parts that will be installed on a permanent foundation. An additional building for the storage of parts is included in the Master Plan. Any expansion of the business including additional buildings or the number of employees needed requires prior review and approval of the Planning Commission.

See attached Letter of Intent.

ZONING OF PROPOSED LAND USE IS CLEARED
SUBJECT TO THE ABOVE CONDITIONS.

SIGNATURE *Loraine Greenleaf*

DATE 5/1/00

PAID \$ 175.00 DATE 1/27/00

I ACKNOWLEDGE AND ACCEPT THE CONDITIONS
OF THIS ZONING CLEARANCE

SIGNATURE *Jay R. Griffin*

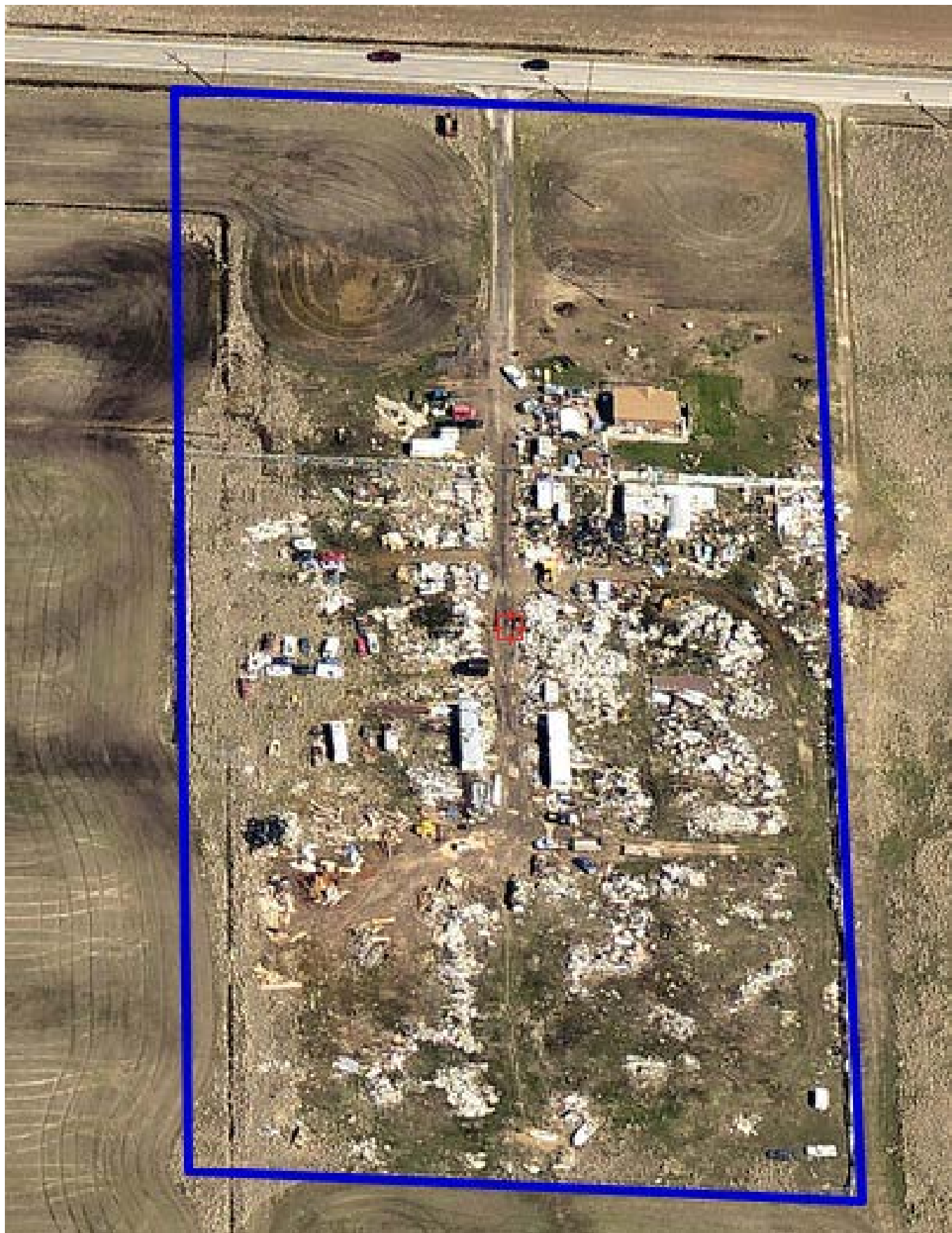
DATE 5-11-2000

CK NO 644 RECEIPT NO 142423









Detail Pictometry Imagery
north to south







13 March 2020

Tony Stauffer
15 S 300 E
Hyrum, UT 84319

THIS IS A 30-DAY MINIMUM NOTICE REGARDING THE CONSIDERATION OF THE REVOCATION OF AN EXISTING CONDITIONAL USE PERMIT (CUP) PER THE CACHE COUNTY LAND USE CODE SECTION 17.06.050-E.

Please be advised that the Development Services Department is in the process of reviewing the compliance of the Jay R's Auto and Salvage Conditional Use Permit (CUP) with the conditions of the active CUP approval. A copy of the current recorded permit has been attached as a reference.

This review will be presented to the Cache County Planning Commission at the Commission's May 7, 2020, meeting. The Commission will review the Jay R's Auto and Salvage CUP to determine if a condition to revoke the permit exists as specified in the Cache County Land Use Code section 17.06.050-E as follows:

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

1. A conditional use permit may be revoked by the land use authority if the land use authority finds that one or more of the following conditions exist:

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

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

If you have questions regarding this notice, please feel free to contact this office at (435) 755-1640.

Sincerely,

Angie Zetterquist
Planner

Enclosure

Cc: Jay R's Auto and Salvage CUP Revocation Review file