



Cache County is operating at a low risk threat level in response to the Covid-19 pandemic. In conformance with low risk guidelines, no more than 50 people will be allowed in the Council Chambers at one time and social distancing practices will be implemented. Face coverings are recommended.

5:30 p.m.

Call to order

Opening remarks/Pledge – Brandon Spackman

Review and approval of agenda

Review and approval of the minutes of the 9 July 2020 meeting

5:35 p.m.

Consent Items

- 1. Riley & Annie Haviland Subdivision** – A request to create a two-lot subdivision with an agricultural remainder on 61.61 acres located at 3434 West 6800 South, near Wellsville, in the Agricultural (A10) Zone.
- 2. Summit Vista Subdivision** – A request to create a three-lot subdivision with an agricultural remainder on 30.61 acres located at 200 North 7200 West, Petersboro, in the Agricultural (A10) Zone.
- 3. Cherry Peak Ski Area Conditional Use Permit 2nd Amendment** – A request to amend the boundaries of the existing Conditional Use Permit (CUP) to remove amended Lot 6 of the Richmond Valley Subdivision 4th Amendment and allow the subdivision amendment to be recorded. There are no operational changes to the CUP proposed by this request for the existing recreational facility located at 3200 East 11000 North, Richmond, in the Forest Recreation (FR40) Zone.

Regular Action Items

- 4. Public Hearing (5:35 PM): Paradise Dry Rezone** – A request to rezone 320.24 acres from the Forest Recreation (FR40) Zone to the Agricultural (A10) Zone located at 2070 East Paradise Dry Road, Avon.
- 5. Whisper Ridge Conditional Use Permit Revocation Review Update** – An update on the revocation review of the Whisper Ridge Conditional Use Permit (CUP) to determine if sufficient progress has been made to bring the existing CUP into compliance or if conditions exist to revoke the permit.

Board Member Reports

Staff reports

Adjourn

PUBLIC PARTICIPATION GUIDE: PLANNING COMMISSION

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

WHEN SPEAKING ON AN AGENDA ITEM

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

When it is your turn to speak:

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

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

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

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

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

LIMITS OF JURISDICTION

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



Planning Commission Minutes

9 July 2020

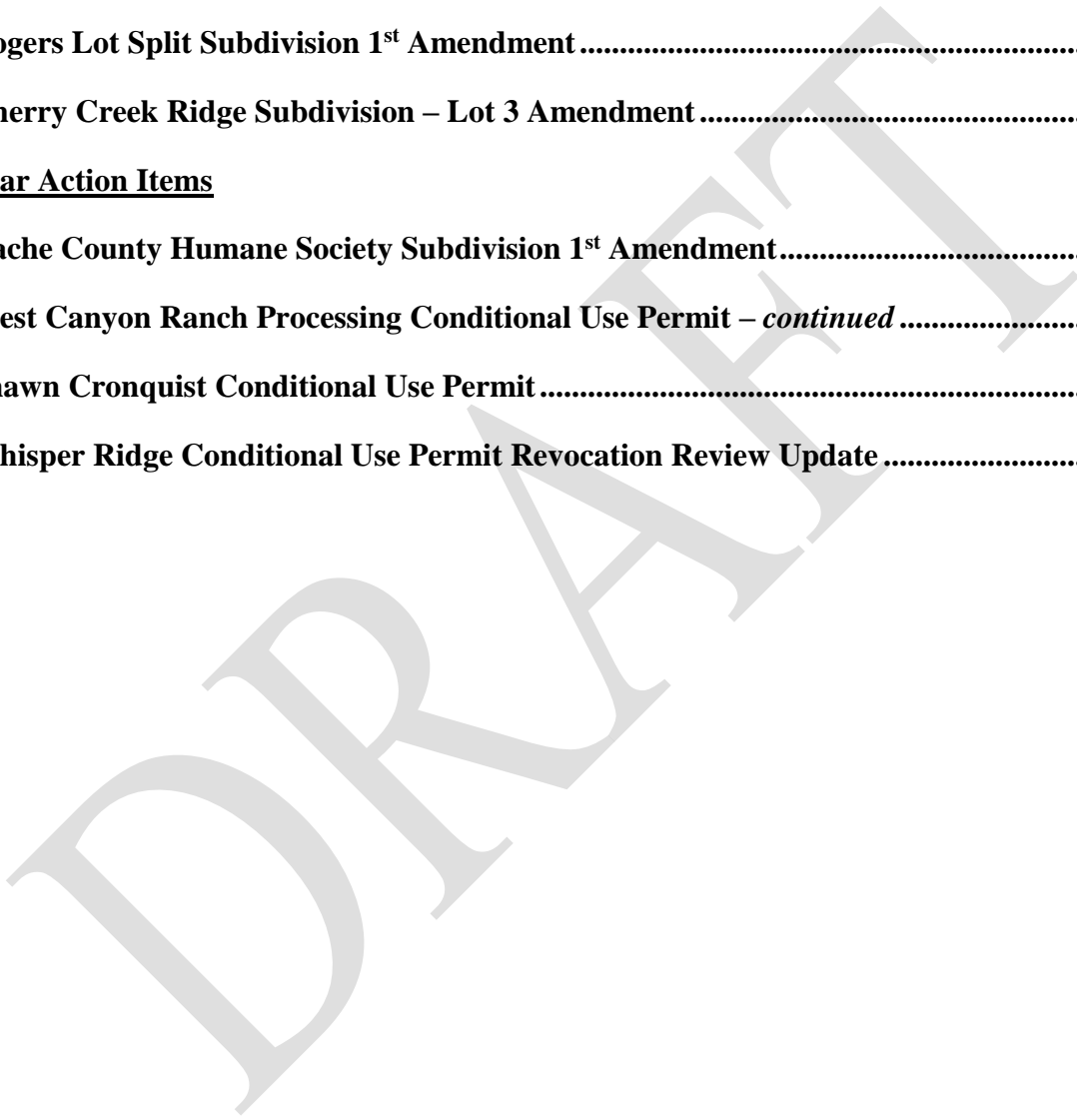
Item **Page**

Consent Items

- 1. Rogers Lot Split Subdivision 1st Amendment 2
- 2. Cherry Creek Ridge Subdivision – Lot 3 Amendment 2

Regular Action Items

- 3. Cache County Humane Society Subdivision 1st Amendment 2
- 4. West Canyon Ranch Processing Conditional Use Permit – *continued* 3
- 5. Shawn Cronquist Conditional Use Permit 3
- 6. Whisper Ridge Conditional Use Permit Revocation Review Update 4



1 **Present:** Chris Harrild, Angie Zetterquist, Lane Parker, Nolan Gunnell, Chris Sands, Jason Watterson,
2 John Luthy

3 **Start Time: 05:31:00**

4 **Gunnell** called the meeting to order and **Parker** gave the opening remarks.

5 **05:33:00**

6 **Agenda**

7 No changes

8 **05:34:00**

9 **Minutes**

10 **Parker** motioned to approved the minutes from June 4, 2020; **Sands** seconded; **Passed 4, 0.**

11 **05:34:00**

12 **Consent Agenda**

13 **1. Rogers Lot Split Subdivision 1st Amendment**

14 **2. Cherry Creek Ridge Subdivision – Lot 3 Amendment**

15 **Sands** motioned to approve the Consent Agenda; **Watterson** seconded; **Passed 4, 0.**

16 **05:35:00**

17 **Regular Action Items**

18 **3. Cache County Humane Society Subdivision 1st Amendment**

19 **Zetterquist** reviewed the staff report for the Cache County Humane Society Subdivision 1st Amendment.

20 **John Drew** commented on the swapping of land between the Humane Society and Logan City.

21 **Sands** asked about the name.

22 **Mr. Drew** stated the name is Cache Humane Society and operates entirely as a non-profit and on
23 donations. There are plans to expand the operations in the future and a zoning change will have to be
24 applied for at that time.

25 **Watterson** motioned to approve the Cache County Humane Society Subdivision 1st Amendment based on
26 the findings of fact with the stated conditions and conclusions; **Parker** seconded; **Passed 4, 0.**

27 **05:40:00**

1 **4. West Canyon Ranch Processing Conditional Use Permit – continued**

2 **Zetterquist** reviewed the staff report for the West Canyon Ranch Processing Conditional Use Permit.

3 **Staff** and **Commission** discussed possibly combining the two conditional use permits (CUPs) into one
4 permit or to continue with two different CUPs.

5 **Staff** and **Commission** discussed CUPs becoming the primary use of the parcel and how two CUPs affect
6 that.

7 **Jason Summers** stated he would like to have the two CUPs remain separate.

8 **Sands** asked if the recreational CUP is seasonal.

9 **Mr. Summers** stated yes.

10 **Gunnell** asked if the months stated in the CUP, August-December, are the correct months for the
11 recreational CUP.

12 **Mr. Summers** stated there is some spring hunting with turkeys. Ranching is still the primary use of the
13 property.

14 **Luthy** stated that for the Agritourism label to be applied to the property the primary use has to be
15 agricultural. If a CUP automatically becomes a primary use, then the recreational CUP cannot be used for
16 Agritourism.

17 **Mr. Summers** asked where in the code it states the CUP becomes the primary use.

18 **Harrild** stated in the general definitions, 17.07.040.

19 **Staff** and **Commission** discussed the primary use of the parcels being Agriculture and not the recreational
20 CUP. Because the agricultural use of the parcels is the primary use, Agritourism is allowed.

21 **Watterson** motioned to approve the West Canyon Ranch based on the findings of fact with the stated
22 conditions and conclusions; **Parker** seconded; **Passed 4, 0.**

23 **05:51:00**

24 **5. Shawn Cronquist Conditional Use Permit**

25 **Zetterquist** reviewed the staff report for the Shawn Cronquist Conditional Use Permit.

26 **Luthy** informed the Commission there are some legal questions regarding this application on whether
27 this is a minor temporary operation or a long term commercial operation and reviewed the definitions of
28 each use in the County Code.

29 **Staff** and **Commission** discussed the possibility of continuing the item while the legal questions
30 regarding this item being a commercial use or temporary use are discussed.

1 **Brad Bearnson** commented on behalf of the applicant and commented on the applicant's intent to level
2 his property and use the excess material in his landscaping business. This is not a long term, continuous
3 business for the applicant and does not meet the definition of a commercial extraction operation.

4 **Watterson** asked if the operation would continue for approximately 15-20 years and if that is inaccurate.

5 **Mr. Bearnson** responded about the accuracy of the application and continuous improvements being
6 needed on the land.

7 **Luthy** stated there may be some misunderstanding because the application does not read as Mr. Bearnson
8 describes and it is not fair to put the blame on the County for misinterpreting the application.

9 **Mr. Bearnson** responded he agrees with Mr. Luthy but it does not read as Mr. Luthy describes either.

10 **Luthy** responded that there needs to be further discussion and clarification from the applicant or have the
11 applicant apply for a shorter time frame with smaller acreage.

12 **Mr. Bearnson** commented on having to come back every 2 years for a new application.

13 **Luthy** responded the County would like to have the accountability these types of projects require.

14 **Mr. Bearnson** commented running cattle is the main use of the land and this is secondary.

15 **Luthy** stated it sounds like there is more discussion that needs to happen before a decision can be made.

16 **Staff and Commission** discussed the amount of material expected to be extracted and the possible
17 timeline for the first 5 acre phase of excavation and how that information will be useful for a
18 determination as to the type of use under the Code.

19 *Sands motioned to continue the Shawn Cronquist Conditional Use Permit until the next meeting;*
20 *Watterson seconded; Passed 4, 0.*

21 **Harrild** stated this is not a public hearing but a public meeting. That means it is at the discretion of the
22 Commission to hear public comment during this meeting.

23 **06:20:00**

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

25 **Dayson Johnson** informed the Commission that BioWest came out and reviewed the project. Their
26 opinion is that the work done fell under the agricultural exemption. The plan now is to reseed and
27 stabilize the area and place a pipe.

28 **Gunnell** asked if the disturbance was originally done for an agricultural need.

29 **Mr. Johnson** stated that the original work fell under the agricultural exemption but no further work can
30 be done without a wetlands delineation according to BioWest.

31 **Gunnell** asked about Staff's opinion.

- 1 **Harrild** stated he has not read the BioWest report and would need to have another engineer review
- 2 BioWest's findings to confirm them but there is significant impact at the site.
- 3 **Gunnell** asked about what the main use is and why the dam was originally done.
- 4 **Sands** commented that if the dam is setup to utilize existing water rights for agricultural use it is exempt.
- 5 **Staff** and **Commission** discussed the original intent of the work and if it is a dam.
- 6 **Mr. Johnson** stated this is not a dam but what is being seen is the inlet comes in at the top and goes out.
- 7 This was created for an irrigation purpose and the road was being flooded out.
- 8 **Gunnell** asked if the inlet still flows through the containment or if it is spring fed.
- 9 **Mr. Johnson** stated it's a spring.
- 10 **Gunnell** asked if the stream was part of the containment at all.
- 11 **Mr. Johnson** stated no.
- 12 **Luthy** commented that the pond is not fully fed by the spring; there is a stream that comes in at the top
- 13 and out at the top.
- 14 **Mr. Johnson** stated the spring is a little up and to the left and does flow down to the containment.
- 15 **Luthy** there is a stream that comes into that pond and leaves that pond. The pond is fed by a stream.
- 16 **Mr. Johnson** responded yes.
- 17 **Luthy** stated that the stream comes in at the top of the pond and exits at the top of the pond.
- 18 **Mr. Johnson** commented yes but the containment was done to help with the road and falls under the
- 19 agricultural exemption. Further work cannot be done without a wetlands delineation.
- 20 **Harrild** asked if Mr. Johnson has contacted the Army Corp of Engineers.
- 21 **Mr. Johnson** responded no but can do so if directed to.
- 22 **Harrild** commented that the report at one point recommends contacting the Army Corp of Engineers.
- 23 **Mr. Johnson** responded that he has an email stating that from BioWest that can be forwarded on that
- 24 says it's not needed.
- 25 **Harrild** stated he would need to see an updated report instead of an email stating that.
- 26 **Mr. Johnson** commented he will get the report updated to reflect that.
- 27 **Gunnell** stated he still would like to see more clarification of if the containment was done for an
- 28 agricultural use to begin with because he doesn't feel it was.

1 **Mr. Johnson** stated he is happy to arrange for the Commission to visit the site if needed or wanted.

2 **Sands** commented that BioWest is representing the applicant and it is their professional opinion. As
3 stated in the report the only people who can make a final determination is the agencies listed. If the
4 commission is uncomfortable one of the options would be to receive approval from the agencies stating it
5 falls under the exemption.

6 **Gunnell** commented that this came to the Commission because of major disruption and bike paths that
7 were done as recreation but now it's being described as agriculture.

8 **Mr. Johnson** stated the pond was never for recreation. The bike trails have stopped being used as public
9 recreation also.

10 **Gunnell** asked if the reason for doing the pond was because of the roads washing out.

11 **Mr. Johnson** responded yes, for roads and an agricultural feed lot further down the canyon.

12 **Gunnell** asked how many cattle are there.

13 **Mr. Johnson** stated he didn't know but can come back with that number.

14 **Luthy** asked if there were fish in the pond.

15 **Mr. Johnson** stated there is Bonneville Cut Throat.

16 **Luthy** asked if there is fishing that will go on.

17 **Mr. Johnson** responded they do fish the rivers there but that was not the intent of the containment.

18 **Gunnell** stated this has answered most of his questions but raised another one regarding the original
19 intent of the containment.

20 **Sands** commented this was one of the last remaining items to deal with.

21 **Mr. Johnson** stated yes, this took longer due to weather.

22 **Sands** commented that he has to recuse himself from voting but asked what the final step is for this
23 process.

24 **Harrild** commented that a decision would need to be made to revoke the permit or not. When the
25 commission feels they are ready a motion will need to be made.

26 **Staff** and **Commission** discussed requiring clarification from the Army Corp of Engineers regarding the
27 containment being an agricultural exemption.

28 **Mr. Johnson** stated he does not know what the timeline would be to receive that letter from the Army
29 Corp of Engineers.

1 **Staff** and **Commission** discussed the timeline of continuing the item to receive the information from the
2 Army Corp of Engineers.

3 **Mr. Johnson** stated he can contact the Army Corp of Engineers and let staff know when he hears back.

4 **Sands** commented that it would be good for Mr. Johnson to submit the re-vegetation plan.

5 **Mr. Johnson** stated he can do that.

6 **Parker** motioned to continue the Whisper Ridge Conditional Use Permit Revocation up to 90 days to
7 allow time to hear back from the Army Corp of Engineers and State Division of Water Rights; **Watterson**
8 seconded; **Passed 3, 0 (Sands abstained)**.

9 **Harrild** stated he has no reason to disagree with BioWest on their recommendation but wants to check
10 the history of the application to see how the original intent of the containment was described.

11 **Staff** and **Commission** discussed how item number 5 was noticed and the definition of a temporary
12 extraction. How gravel pits have been designated around the County as temporary or commercial was
13 also discussed.

14 **Staff** and **Commission** discussed roads, road improvements, how to pay for improvements, and road
15 maintenance.

16 **Adjourned**

Staff Report: Riley and Annie Haviland Subdivision

3 September 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: David Cable

Parcel ID#: 10-047-0023

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

Project Location

Reviewed by Angie Zetterquist

Project Address:

3434 West 6800 South
Wellsville

Current Zoning:

Agricultural (A10)

Acres: 59.32

Surrounding Uses:

North – Agricultural/Residential/Wellsville City

South –Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



Findings of Fact (19)

A. Request description

1. The Riley and Annie Haviland Subdivision is a request to create a new 2-lot subdivision with an Agricultural Remainder on 59.32 acres in the Agricultural (A10) Zone.
 - a. Lot 1 will be 4.5 acres and has an existing single family dwelling;
 - b. Lot 2 will be 10 acres; and
 - c. The Agricultural Remainder will be 47.11 acres.

B. Parcel legality

2. The parcel is legal as it is in the same size and configuration since August 8, 2006.

C. Authority

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

D. Culinary water, septic system, and storm water

4. §16.04.080 [A] Water Requirements – A domestic culinary water right is in process for the proposed Lot 2 (Water Right #25-11639/a45955). There is an approved domestic water right in place for the existing single family dwelling on Lot 1(#25-10350). Confirmation of an approved domestic water right for Lot 2 will be required prior to recordation. *See condition #1*
5. §16.04.080 [B] Sewage Requirements – The applicant has provided a septic feasibility letter for Lot 2. A septic feasibility letter is not required for Lot 1 as there is an existing single family dwelling.
6. §16.04.070 Storm Drainage Requirements – Applicant must provide the County Engineer information, for his review and approval, regarding how storm water runoff from the proposed subdivision will be handled and whether or not existing roadside ditches are adequate for storm water collection. A Land Disturbance Permit is required for any future development. *See condition #2 & #3*

E. Access

7. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
8. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
9. §16.04.080 [E] Roads and Access – A basic road review is required and must consider:
 - a. The layout of proposed roads;
 - b. An analysis of existing roadway compliance with the Road Manual requirements;
 - c. Existing maintenance;
 - d. And any additional impacts to the proposed development access roads.
10. The Road Manual specifies the following:
 - a. §2.1-A-2 Collector Road, Table 2.2 Roadway Typical Sections: Roads with approximately 1600 to 5000 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate to high traffic volumes. This category provides service to through traffic movements, it allows more direct access to occur. These facilities move traffic across multiple communities or jurisdictions, typically connecting facilities of system importance.
 - b. Table 2.2 Roadway Typical Sections: Collector roads must meet the minimum standards of an 80-foot-wide right-of-way, two 11-foot-wide paved travel lanes with 6-foot-wide shoulders (3-foot-wide paved and 3-foot-wide gravel) and a 12-foot wide turn lane for a total width of 46 feet.
 - c. Table A-8 Typical Cross Section Structural Values: The minimum structural composition for gravel roads requires 14” depth of granular borrow, 6” depth of road base, and paved roads required an additional 2.5” depth of asphalt.
 - d. §2.4-A-4-b: The review of requests for development on existing roadways must occur through the Design Exception process.
 - e. §1.8 Authority and Design Exception: Consideration and evaluation of a design exception to the Road Manual standards requires full justification and documentation explaining the reasoning as to why the roadway standards cannot be met, why an alternative design or

construction method can meet the intent of the roadway standards, and including any other relevant information.

11. A basic review of the access to the proposed subdivision identifies the following:
 - a. Access to the Riley and Annie Haviland Subdivision is from 6800 South for Lot 1 and 3600 West for Lot 2; both are county roads.
 - b. 6800 South:
 - i. Is an existing county facility that provides access to the general public.
 - ii. Currently provides access to multiple dwellings, vacant lots, and agricultural parcels.
 - iii. Is classified as a Collector Road.
 - iv. Consists of a 25-foot wide paved surface with 2-foot wide gravel shoulders.
 - v. Has a 66-foot wide ROW per the subdivision plat; 33 feet from center line of the road; which is less than the 40 feet currently required per the Road Manual. *See condition #4*
 - vi. Is maintained year round.
 - c. 3600 West:
 - i. Is an existing county facility that provides access to the general public.
 - ii. Currently provides access to multiple dwellings, vacant lots, and agricultural parcels.
 - iii. Is classified as a Collector Road.
 - iv. Consists of a 23-foot wide paved surface with 2-foot wide gravel shoulders.
 - v. Has a 66-foot wide ROW per the subdivision plat; 33 feet from the center line of the road, which is less the 40 feet currently required per the Road Manual. *See condition #4*
 - vi. Is maintained year round.

F. Service Provision

12. §16.04.080 [C] Fire Control – The County Fire District visited the subject property and found the access road meets fire code standards. Any future development on the property must be reevaluated and may require improvements based on the location of the proposed access and development.
13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental had no comments on the proposed subdivision amendment.

G. Sensitive Areas

14. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
 - a. According to the GIS data, there is a potential fault line that runs through the south west corner of the Agricultural Remainder. Any future development in this area will require a geotechnical report as specified under §17.18. *See condition #4*

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

15. Public notice was posted online to the Utah Public Notice Website on 20 August 2020.
16. Notice was published in the Herald Journal on 22 August 2020.
17. Notices were posted in three public places on 21 August 2020.
18. Notices were mailed to all property owners within 300 feet of the subject property on 21 August 2020.
19. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

Conditions (5)

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

1. Prior to recording the plat, confirmation of an approved domestic water right for Lot 2 must be provided to the Department of Development Services. (*See D-4*)

2. Prior to recording the plat, the applicant must provide information to the County Engineer regarding how storm water runoff from the proposed subdivision will be handled and whether or not existing roadside ditches are adequate for storm water collection. The applicant must provide written approval of the storm water plan from the County Engineer to the Department of Development Services. *(See D-6)*
3. A Land Disturbance Permit is required for any future development. *(See D-6)*
4. Prior to recording the plat, the applicant may be required to dedicate a 40-foot ROW from the centerline of 6800 South and 3600 West along the frontage of the subdivision. *(See E-11-b-v, E-11-c-v)*
5. Prior to the issuance of a zoning clearance for any future development located in proximity to the potential fault line through the southwest corner of the property, the applicant must submit a geotechnical report from a professional licensed in Utah to the County Engineer for review. *(See G-14-a)*

Conclusions (1)

Based on the findings of fact and conditions noted herein, staff recommends approval of the Riley and Annie Haviland Subdivision as:

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

Riley and Annie Haviland Subdivision

A PART OF THE EAST HALF OF SECTION 14, T10N, R1W, S.L.B.&M. CACHE COUNTY, UTAH Containing 61.61 Acres and 2 Lots



July 16, 2020

GRAPHIC SCALE



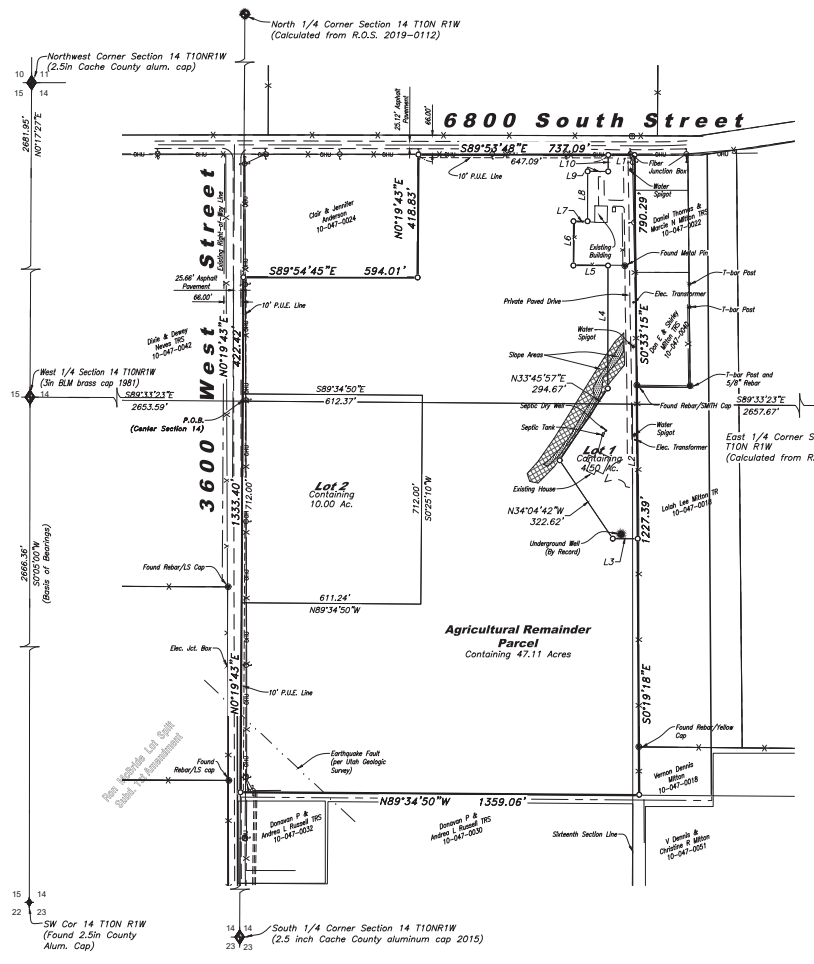
LEGEND:

- SUBDIVISION BOUNDARY
LOT LINES
ADJACENT PARCEL LINES
CENTERLINE
EASEMENT LINE
EDGE OF PAVEMENT
FENCE LINE
OVERHEAD POWER LINE
Power Pole
Guy Wire
Telephone Pedestal
Found Rebar and Cap
Section Corner
Set 5/8" Rebar w/Cap
SENSITIVE LANDS:
PAVEL LINE (Per UDS Website)
SLOPES 2:1 TO 3:1
0.968 OF TOTAL AREA
SLOPES 3:1 TO 4:1
0.298 OF TOTAL AREA

GENERAL NOTES:

- 1. Culinary Water: Cache County has not determined the availability or adequacy of culinary water to any of the lots identified...
2. Storm Water Drainage: Compliance with the standards of the Cache County Manual of Roadway Design and Construction...
3. Agricultural Uses: Current and future property owners must be aware that they will be subject to the rights, bonds and benefits associated with agricultural activities...
4. Pursuant to Utah Code Ann. 54-3-27 this plat conveys to the owner(s) or operators of utility facilities a public utility easement along with all the rights and duties described therein.
5. Pursuant to Utah Code Ann. 17-27-603(4)(c)(i) Rocky Mountain Power accepts delivery of the PUE as described in this plat and approves this plat solely for the purpose of confirming that the plat contains public utility easements and approximates the location of the public utility easements...
6. Dominion Energy approves this plat solely for the purpose of confirming that the plat contains public utility easements. Dominion Energy may require other easements in order to serve this development. This approval does not constitute acceptance, approval or acknowledgment of any terms contained in the plat...
7. Agriculture Protection Area: This property is located in the vicinity of an established agriculture protection area...
8. Setback lines are for primary buildings only.

Line Table with columns: Line #, Length, Direction. Includes lines L1 through L10 with bearings and distances.



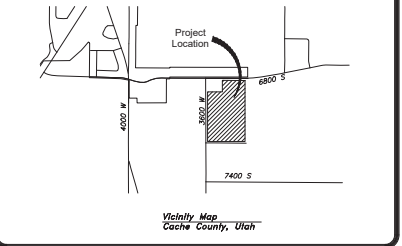
SURVEYOR'S CERTIFICATE

I, JEFF C. NIELSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 5152881 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH...

Subdivision Boundary

A PART OF THE EAST HALF OF SECTION 14, TOWNSHIP 10 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN. BEGINNING AT THE CENTER OF SAID SECTION 14 LOCATED SOUTH 89°33'23" EAST, A DISTANCE OF 265.55 FEET FROM THE BLM BRASS CAP MONUMENT MARKING THE WEST QUARTER CORNER OF SAID SECTION 14...

SIGNATURE: JEFF C. NIELSEN, 5152881. STATE OF UTAH. DATE: _____



OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE TRACT OF LAND DEPICTED AND DESCRIBED HEREON, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS (AS PERTAINS), THE WHOLE BE HEREINAFTER KNOWN AS THE "RILEY AND ANNIE HAVILAND SUBDIVISION"...

Date: _____ David G Cable
Date: _____ Denise M Cable

TRUSTEE ACKNOWLEDGMENT

State of UTAH County of CACHE. On this _____ day of _____ personally appeared before me, the undersigned notary public in and for said county of Cache, in the state of Utah, proved to me on the basis of satisfactory evidence to be the person(s) who executed the within instrument as Trustee(s) of the _____ the signer(s) of the within instrument, who duly acknowledged to me he/she executed the same pursuant to and in accordance with the power vested in him/her by the terms of said trust agreement.

NOTARY PUBLIC



2005 North 600 West Suite B Logan, Utah 84321 (435) 753-1910 Office (435) 755-3213 Fax

Project No. 20-103 Prepared by DB, 7/16/20

Record Owners: David G & Denise M Cable TRS 3434W 6800S Wellsville, Utah 84339

DEPUTY COUNTY SURVEYOR'S CERTIFICATE

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

DEPUTY COUNTY SURVEYOR DATE

CACHE COUNTY PLANNING COMMISSION

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

BY: _____ CHAIR

COUNTY ATTORNEY APPROVAL

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

DATE _____ CACHE COUNTY ATTORNEY

BEAR RIVER HEALTH DEPT. APPROVAL

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

BY: _____ TITLE: _____

CACHE COUNTY COUNCIL

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

BY: _____ CHAIR
ATTESTED TO: _____ CACHE COUNTY CLERK

COUNTY RECORDER'S NO.

STATE OF UTAH, COUNTY OF _____, RECORDED AND FILED AT THE REQUEST OF: _____ DATE: _____ TIME: _____ FEE: _____

INDEXED FILED IN: FILE OF PLATS COUNTY RECORDER

Staff Report: Summit Vista Subdivision

3 September 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: Randall & Jennifer Cheney
Staff Determination: Approval with conditions
Type of Action: Administrative
Land Use Authority: Planning Commission

Parcel ID#: 12-052-0007

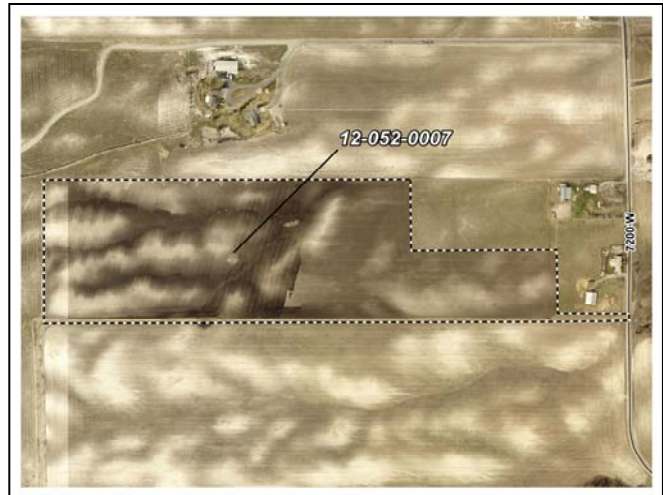
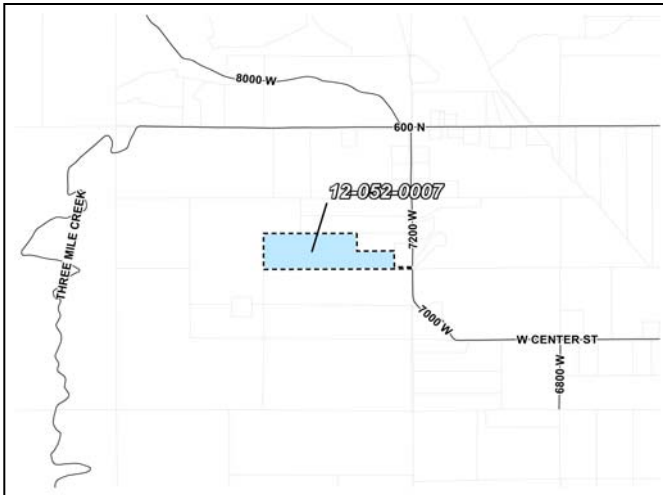
Project Location

Reviewed by Angie Zetterquist

Project Address:
 200 North 7200 West
 Petersboro

Current Zoning: Agricultural (A10) **Acres:** 30.64

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



Findings of Fact (19)

A. Request description

1. The Summit Vista Subdivision is a request to create a new 3-lot subdivision with an Agricultural Remainder on 30.64 acres in the Agricultural (A10) Zone.
 - a. Lots 1, 2, & 3 will each be 1.50 acres; and
 - b. The Agricultural Remainder will be 26.11 acres.

B. Parcel legality

2. The GIS Parcel Summary indicates that the subject property is potentially a restricted parcel as it is not in the same size and configuration since August 8, 2006. The 2006 Recorder's Plat shows that the subject property exists as a 30.4 acre parcel with no frontage on the County Road. A

boundary line adjustment was done in 2013 with an adjacent parcel that increased the parcel to its current size and provided direct access from 7200 West. As no new lots were created with the boundary line adjustment, the subject property is a legal parcel.

C. Authority

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

D. Culinary water, septic system, and storm water

4. §16.04.080 [A] Water Requirements – Domestic culinary water rights are in process for the three proposed lots (Water Right #25-11641/a46016). Confirmation of three approved domestic water rights for Lots 1-3 will be required prior to recordation. *See condition #1*
5. §16.04.080 [B] Sewage Requirements – The applicant has provided a septic feasibility letter for the three proposed lots from the Bear River Health Department.
6. §16.04.070 Storm Drainage Requirements – Applicant must provide the County Engineer information, for his review and approval, regarding how storm water runoff from the proposed subdivision will be handled and how it will affect the adjacent properties and 7200 West, a county road. All storm water control (ponds, culverts, etc.) will need to be maintained by the property owners. A Land Disturbance Permit is required for any future development. *See condition #2 & #3*

E. Access

7. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
8. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
9. §16.04.080 [E] Roads and Access – A basic road review is required and must consider:
 - a. The layout of proposed roads;
 - b. An analysis of existing roadway compliance with the Road Manual requirements;
 - c. Existing maintenance;
 - d. And any additional impacts to the proposed development access roads.
10. The Road Manual specifies the following:
 - a. §2.1-A-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.
 - a. Table 2.2 Roadway Typical Sections: 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).
 - b. 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.
 - c. §2.4-A-4-b: The review of requests for development on existing roadways must occur through the Design Exception process.
 - d. §1.8 Authority and Design Exception: Consideration and evaluation of a design exception to the Road Manual standards requires full justification and documentation explaining the reasoning as to why the roadway standards cannot be met, why an alternative design or

construction method can meet the intent of the roadway standards, and including any other relevant information.

11. A basic review of the access to the proposed subdivision identifies the following:
 - a. Access to the Summit Vista Subdivision is from 7200 West, a county road, and a private driveway access.
 - b. 7200 West:
 - i. Is an existing county facility that provides access to the general public.
 - ii. Currently provides access to multiple dwellings, vacant lots, and agricultural parcels.
 - iii. Is classified as a Local Road.
 - iv. Consists of a 22-foot wide paved surface with 2-foot wide gravel shoulders.
 - v. Has the required 66-foot wide ROW per the subdivision plat.
 - vi. Is maintained year round.
 - vii. No improvements will be required.
 - c. Private driveway access:
 - i. A private access from 7200 West to the subject property appears to have been constructed without approval from the County.
 - ii. Will provide access to Lots 1, 2, & 3, as well as the agricultural remainder.
 - iii. Must be improved to meet current County Standards per the Road Manual and must include an area for mail boxes and refuse containers. *See condition #4*
 - iv. Has a 33-foot ROW per the subdivision plat.
 - v. As a private access, must be maintained by the property owners. The County will not provide maintenance.

F. Service Provision

12. §16.04.080 [C] Fire Control – The County Fire District visited the subject property and found the access road meets fire code standards, but an approved turnaround is required at the end of the private drive. Any future development on the property must be reevaluated and may require improvements based on the location of the proposed access and development. Water supply for fire protection will be provided by the Mendon Fire Department. *See condition #4*
13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental provides collection service in this area. All residential carts will need to be placed on the east side of 7200 West for Monday collection. Sufficient shoulder space must be provided along the side of this narrow road for all refuse and recycling containers to be placed 3-to-4 feet apart and be far enough off the road so as not to interfere with passing traffic.

G. Sensitive Areas

14. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
 - a. According to the GIS data, there are no known sensitive areas on the subject property.

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

15. Public notice was posted online to the Utah Public Notice Website on 20 August 2020.
16. Notice was published in the Herald Journal on 22 August 2020.
17. Notices were posted in three public places on 21 August 2020.
18. Notices were mailed to all property owners within 300 feet of the subject property on 21 August 2020.
19. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

Conditions (4)

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

1. Prior to recordation, confirmation of an approved domestic water right for Lots 1, 2, & 3 must be provided to the Department of Development Services. *(See D-4)*
2. Prior to recordation, the application must provide information to the County Engineer regarding how storm water runoff from the proposed subdivision will be handled and the proposed subdivision will be handled and how it will affect the adjacent properties and 7200 West, a county road. All storm water control (ponds, culverts, etc.) will need to be maintained by the property owners. The applicant must provide written approval of the storm water plan from the County Engineer to the Department of Development Services. *(See D-6)*
3. A Land Disturbance Permit is required for any future development. *(See D-6)*
4. Prior to recordation, the private access drive must be improved to meet the requirements of the Road Manual and the County Fire Department. The design of all roads providing access to the development must be reviewed and approved by the Cache County Engineer for compliance with applicable codes. A full set of engineered design and construction plans must be submitted and must address issues of grade, drainage, and base preparation and construction. Fees for any engineering plan and construction review above the base fee collected for road review must be borne by the proponent. *(See E-11-c-iii, F-12)*

Conclusions (1)

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

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

Staff Report: Cherry Peak Ski Area CUP 2nd Amendment

3 September 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: Steven Shepherd
Staff Determination: Approval with conditions
Type of Action: Administrative
Land Use Authority: Planning Commission

Parcel ID#: 18-057-0020, -0021 -0022, -0023, -0024, -0025

Project Location

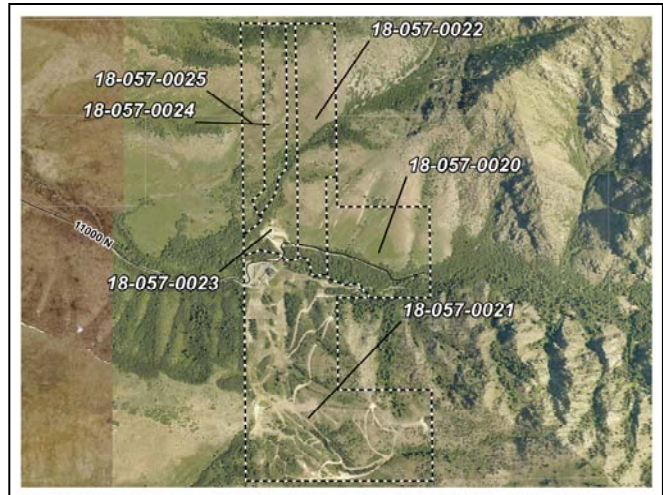
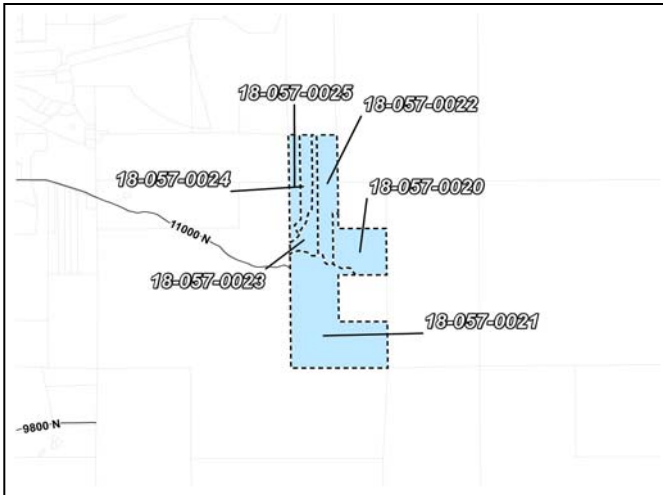
Reviewed by Angie Zetterquist

Project Address:
 3200 East 11000 North
 Richmond

Current Zoning: Forest Recreation (FR40) **Acres:** 240.0

Surrounding Uses:

North – Forest Recreation
 South – Forest Recreation
 East – Forest Recreation
 West – Forest Recreation



Findings of Fact (27)

A. Request description

1. The Cherry Peak Ski Area Conditional Use Permit (CUP) 2nd Amendment is a request to change the boundaries of the existing recreational facility (Use Type 4100) to be consistent with a request to change the boundaries of Lots 1 & 6 per the Richmond Valley Subdivision 4th Amendment. Lot 6 is not part of the existing CUP, but the boundary change requested in the subdivision amendment would include a portion of Lot 6 in the CUP boundary as it was part of Lot 1 that is included in the existing CUP boundary.
2. Per the Letter of Intent (Attachment A), the applicant is not proposing any operational changes to the recreational facility and this request is solely to change the boundary to remove any

portion of amended Lot 6 from the CUP. The recreational facility must operate as approved under the Cherry Peak Ski Area CUP 1st Amendment and comply with all conditions of approval from that approval. *See condition #1*

3. The Richmond Valley Subdivision 4th Amendment was approved 7 November 2019 and Condition #1 required that, prior to recordation of the subdivision plat, the existing CUP must be amended to address the boundary change. Approval of this request and recordation of the amended CUP will allow the subdivision plat to be finalized and recorded. *See condition #2*

B. Parcel Legality

4. The subject properties are part of the Richmond Valley Subdivision and are legal parcels.

C. 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.

D. 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.
 - 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.
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 #2*
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 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.
 - b. The proposed use, as described in the applicant’s Letter of Intent and with the conditions of approval, meets the minimum standards for a recreational facility as previously approved in the Cherry Peak Ski Area CUP 1st Amendment.
9. §17.09.030, Schedule of Uses by Zoning District, permits this use as a CUP in the Forest Recreation (FR40) 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 operational elements of the recreational facility have been evaluated and mitigated as part of the Cherry Peak Ski Area CUP 1st Amendment. As the applicant is not proposing any operational changes as part of this request, with the previously approved conditions of approval the existing recreational facility will not cause unreasonable risks to the safety of persons or property and it will not unreasonably interfere with the lawful use of surrounding properties.

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 primary access to the subject property is from 11000 North, a county road.

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

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

- a.** 11000 North:
 - i.** Is an existing county facility that provides access to the general public.

- ii. Currently provides access to multiple residential, agricultural, and vacant parcels.
- iii. Is classified as a Local Road.
- iv. Was improved to meet the minimum standards of the Road Manual as part of the previous CUP approval.
- v. Is maintained year round by the County.
- vi. No additional improvements will be required as part of this request.

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. However, since this request does not include any operational changes or expansion of the existing use, a new Parking Analysis is not required.

16. Refuse:

- a. Logan City Environmental provides waste collection for the site and had no comments for this proposal.

17. Fire: §16.04.080 [C] Fire Control – The County Fire District had no comments regarding this request.

18. Water: Water is supplied by Richmond City for the existing recreational facility.

19. Septic: The majority of the CUP boundary lies within a source water protection area. Septic systems are not permitted within zone 1 or 2 of the source water protection area for a culinary water system. The recreational facility is serviced by the Richmond City sewer.

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. All known or reasonably anticipated detrimental effects were addressed as part of the previous CUP approval for the recreational facility. As this request is solely for a change in the boundaries and does not include any operational changes or expansion, there are no additional detrimental effects to mitigate. The applicant must continue to comply with all requirements of the existing CUP approval.

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

23. Public notice was posted online to the Utah Public Notice Website on 20 August 2020.

24. Notice was published in the Herald Journal on 22 August 2020.

25. Notices were posted in three public places on 21 August 2020.

26. Notices were mailed to all property owners within 300 feet of the subject property and Richmond City on 21 August 2020.

27. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

Conditions (3)

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

1. The applicant and operator(s) must abide by the information as provided in the application and the information as identified in this report as well as the application, report, and conditions of approval for the Cherry Peak Ski Area 1st Amendment. All information from the previous approval and all conditions of approval are incorporated in full with this approval. Non-compliance will result in an enforcement action. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. **(A-2)**
2. The Cherry Peak Ski Area 2nd Amendment and the Richmond Valley Subdivision 4th Amendment must be recorded on the same date and time. All conditions of approval for both approvals must be completed prior to recordation. **(A-3)**
3. Prior to recordation, the applicant must provide a revised legal description for the amended CUP boundary to be included as part of the CUP permit.

Conclusions (2)

Based on the findings of fact and conditions noted herein, the Chery Peak Ski Area CUP 2nd 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-7**

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

To Whom It May Concern:

The following is the required "LETTER OF INTENT" for the Conditional Use Permit amendment being submitted by Richmond Valley, LLC as the agent for Cherry Peak Recreational Reserve, LLC, Cherry Peak Development Reserve, LLC and Cherry Peak Resort, LLC.

On 10/1/19 Richmond Valley, LLC submitted an application for the 4th amendment to the Richmond Valley subdivision. The purpose of the amendment is to move 3.35 acres of land from Lot-1, parcel 18-057-0021 to Lot-6, parcel 18-057-0020. Per the staff report dated 11/7/19, the existing CUP must be amended to address the boundary change.

Attached is a complete CUP application that will adjust the boundary of the CUP in order to satisfy condition #1 of the 4th amendment to the Richmond Valley subdivision.

It is also our understanding that the permit for the Cherry Peak Ski Area CUP 2nd Amendment failed to record before 8/15/2019 and is now void. Therefore, Cherry Peak Resort should be operating under the Cherry Peak Ski Area CUP 1st Amendment, recorded July 1 2016, instrument #1150625.

Richmond Valley, LLC is submitting the CUP amendment application as the agent for Cherry Peak Recreational Reserve, LLC, Cherry Peak Development Reserve, LLC and Cherry Peak Resort, LLC. Richmond Valley, LLC has appointed Steven Shepherd as it's agent in processing this CUP. See attached Agent Letters.

LETTER OF INTENT

1. Proposed Use: On 8/27/19, Cherry Peak Recreational Reserve, LLC sold 3.35 acres of parcel 18-0578-0020 (Lot-1) to Mark D, Hall (# 1225902). On 8/27/19, Mark D. Hall deeded the 3.35 acres to DRH Holdings, LLC parcel 18-057-0020 (Lot-6) (# 1228727). On 10/1/19 Richmond Valley, LLC submitted an application for the 4th amendment to the Richmond Valley subdivision. The purpose of the amendment is to move 3.35 acres of land from Lot-1, parcel 18-057-0021 to Lot-6, parcel 18-057-0020. Per the staff report dated 11/7/19, the existing CUP must be amended to address the boundary change. The only change this amendment proposes is to remove the 3.35 acres deeded to parcel 18-057-0020 (# 1228727) from the CUP. See Exhibit-1.
2. Number of Employees: N/A - Items 2-9 do not apply. No changes proposed.
3. Hours of Operation: N/A-See item #2. No changes proposed.
4. Traffic and Parking: N/A- See item #2. No changes proposed.
5. Signage: N/A-See item #2. No changes proposed.
6. Equipment: N/A-See item #2. No changes proposed.

7. Waste and/or Garbage: N/A-See item #2. No changes proposed.
8. Site Plan of Subject Property: N/A-See item #2. No changes proposed.
9. If new construction is proposed, provide building elevations: N/A-See item #2. No changes proposed.

Attached Documents

1. Amended Plat. A current plat is on file with the county.
2. A "Letter Of Intent" describing the changes to the CUP.
3. A copy of the articles for Cherry Peak Recreational Reserve, LLC, Cherry Peak Development Reserve, LLC and Cherry Peak Resort, LLC.
4. An Agent Letter appointing Steven Shepherd and/or Richmond Valley, LLC as the agent for Richmond Valley, LLC, Cherry Peak Recreational Reserve, LLC, Cherry Peak Development Reserve, LLC and Cherry Peak Resort, LLC.
5. Current Letter Reports and tax clearances for parcels: 18-057-0020, 18-057-0021, 18-057-0022, 18-057-0023, 18-057-0024 & 18-057-0025.

Ownership Information

- 18-057-0020 (Lot-6)
 - Owner: Richmond Valley, LLC.
 - Mailing Address: 3000 Sierra Vista Rd., Provo, UT 84606
 - Property Address: Lot 6 Richmond Valley Subdivision Amended
- 18-057-0021 (Lot-1)
 - Owner: Cherry Peak Recreational Reserve, LLC.
 - Mailing Address: 2279 N 800 E, North Logan, UT 84341-1803
 - Property Address: 3320 E 11000 N, Richmond, UT 84333
- 18-057-0022 (Lot-2)
 - Owner: Richmond Valley, LLC.
 - Mailing Address: 3000 Sierra Vista Rd., Provo, UT 84606
 - Property Address: Lot 2 Richmond Valley Subdivision Amended
- 18-057-0023 (Lot-3)
 - Owner: Richmond Valley, LLC.
 - Mailing Address: 3000 Sierra Vista Rd., Provo, UT 84606
 - Property Address: Lot 3 Richmond Valley Subdivision Amended
- 18-057-0024 (Lot-4)
 - Owner: Cherry Peak Development Reserve, LLC.
 - Mailing Address: 2279 N 800 E, North Logan, UT 84341-1803
 - Property Address: Lot 4 Richmond Valley Subdivision Amended
- 18-057-0025 (Lot-5)
 - Owner: Cherry Peak Development Reserve, LLC.
 - Mailing Address: 2279 N 800 E, North Logan, UT 84341-1803
 - Property Address: Lot 5 Richmond Valley Subdivision Amended

Property Owner Contact Information

- Cherry Peak Resort, LLC.
3200 E 11000 N, Richmond, UT 84333

- Contact: John Chadwick (Member Manager), 435-764-7827, john.cherrypeak@yahoo.com
- Cherry Peak Recreational Reserve, LLC.
2279 N 800 E, North Logan, UT 84341-1803
Contact: John Chadwick (Member Manager), 435-764-7827, john.cherrypeak@yahoo.com
- Cherry Peak Development Reserve, LLC.
2279 N 800 E, North Logan, UT 84341-1803
Contact: John Chadwick (Member Manager), 435-764-7827, john.cherrypeak@yahoo.com
- Richmond Valley, LLC.
3000 Sierra Vista Rd., Provo, UT 84606
Contact: Mark Hall (Member Manager), 801-362-9571, MDHall@Hiddenbutler.com

Please do not hesitate to contact me with any questions.

Sincerely,

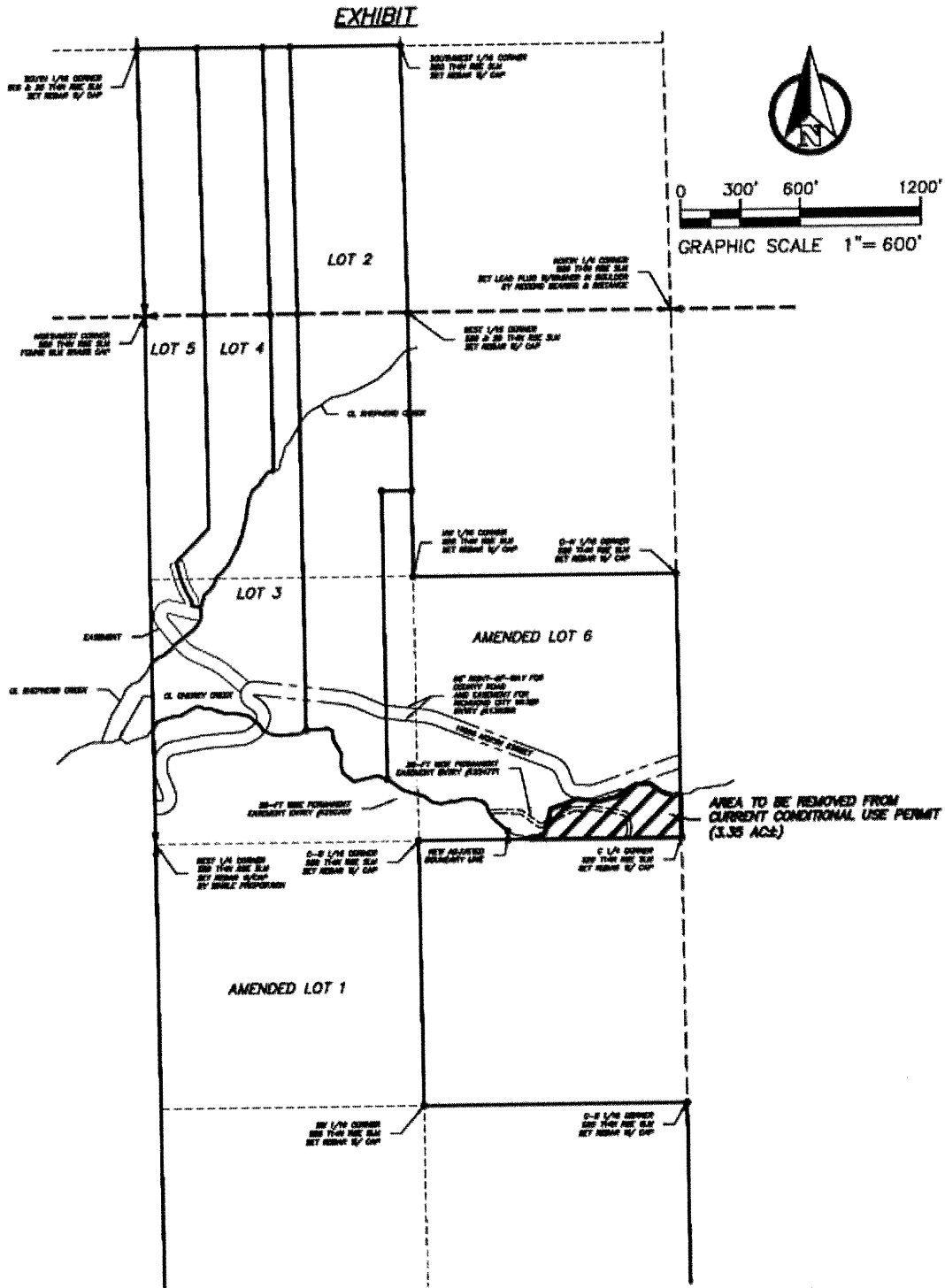
DocuSigned by:


Date: 7/27/2020

Mark D. Hall (Member Manager)
Richmond Valley, LLC
3000 Sierra Vista Way
Provo, UT 84606
mdhall@sure-fi.com

EXHIBIT-1

CUP amendment proposed by Richmond Valley, LLC to move 3.35 acres of land from Lot-1, parcel 18-057-0021 to Lot-6, parcel 18-057-0020.



Staff Report: Paradise Dry Rezone

3 September 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: Wade Olsen

Parcel ID#: 16-031-0001

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Angie Zetterquist

Project Address: **Acres:** 320.24

2070 East Paradise Dry Canyon Road

Avon

Current Zoning: **Proposed Zoning:**

Forest Recreation (FR40) Agricultural (A10)

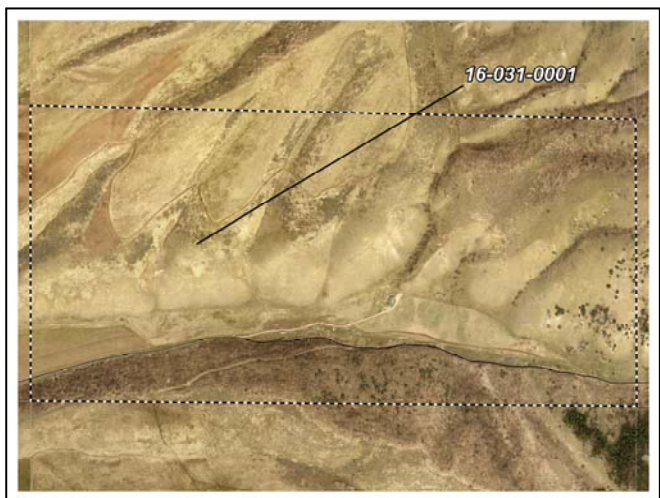
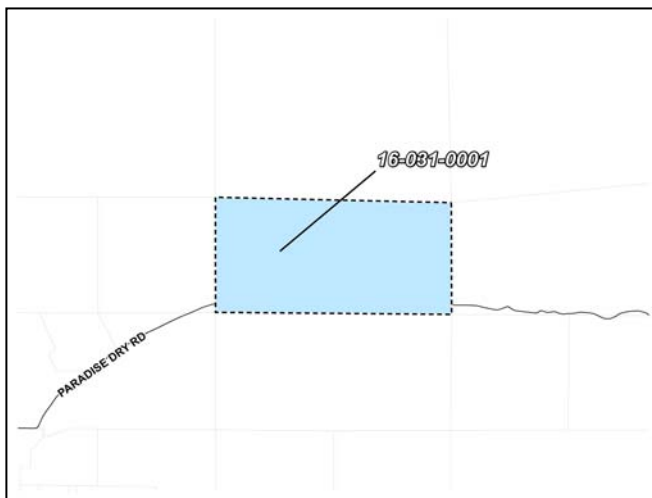
Surrounding Uses:

North – Forest Recreation

South – Forest Recreation

East – Forest Recreation

West – Agricultural



Findings of Fact (18)

A. Request description

1. A request to rezone 320.24 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: The subject property is legal as it is in the same size and configuration since August 8, 2006. The historical use of the land as agriculture is unknown.
- ii.** A Zoning Clearance and building permit were issued in 2000 for a seasonal cabin and garage. Seasonal cabins are permitted in the FR40 with occupancy up to a maximum of 180 days per year; permanent residences are not allowed.
- 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 subject property contain sensitive areas that may impact future development (Attachment B).
 - A significant portion of the subject property has areas of steep and moderate slopes. 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.
 - A possible fault line is located on the subject property. Additional review and analysis may be required for any proposed development in these areas.
 - The subject property is also located within a Wildfire Hazard Area and a Wildlife Urban Interface Zone.
 - Staff was unable to visit the site due to a locked gate across the county road located about a ½ mile from the subject property. A sign on the gate identified the area as a Cooperative Wildlife Management Unit Boundary, Coldwater Ranch Unit. (Attachment C)
- v.** Adjacent uses: The properties adjacent to the subject rezone are primarily forest recreation and agriculture. The nearest single family residence is located within the ½ mile buffer area to the west of the subject property. There are no other homes located in the buffer area and a total of 12 vacant parcels. Properties to the west of the subject property are zoned Agricultural (A10), but the properties to the north, east, and south are all zoned Forest Recreation (FR40).
- vi.** Annexation Areas: The subject property is not located any future annexation area.

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. §2.1A.3: 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. Table 2.2 – Roadway Typical Sections: 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).
 - c. §2.1.A.4: Rural Road: Roads with up to 30 ADT. This includes roadways that have the capacity for moderate to low speeds and low volumes. This category provides access to farms, other agricultural uses, and dispersed rural residences. These roads are not typically through roads providing public access to points beyond the areas the intended to serve. Gravel or chip seal road surfacing is typically acceptable.
 - d. §2.1.A.6: Mountain Road: Roads with up to 30 ADT. This category includes forest access roads, back roads, and other special use facilities. Gravel roads are most typical, but some roads have limited improvements or are “two-track” in nature.
 - e. §2.1.A.7: Unimproved: This category includes roads that are within a designated County right-of-way, but are not improved for most passenger vehicles. Access may be limited to OHV, horses, hiking or bicycling, or access may be restricted.
9. A basic review of the access to the subject property identifies the following:
 - a. Primary access to the subject property from 800 East, 10600 South, and Dry Canyon Road, all county roads. (Attachment C)
10. 800 East
 - a. Is a County facility that provides access to the general public.
 - b. Is classified as a Local Road from 11000 South to 10800 South.
 - i. Has an average paved width of 21 feet and 4-foot wide gravel shoulders.
 - ii. Has a 33-foot wide right-of-way.
 - iii. Has year round maintenance provided by the County.
 - c. Is classified as a Rural Road from 10800 South to 10600 South.
 - i. Has a gravel width of 18 feet with 2-foot gravel shoulders.
 - ii. ROW varies from 50 feet dedicated to 66 feet by records.

- iii. Has year round maintenance provided by the County.
- d. From the end of the paved section of 800 East to the subject parcel the roadway is substandard for width, slopes, and drainage.
- e. Future development may require right-of-way dedication and road improvements as sections of the road will need considerable work to bring them into compliance.

11. Paradise Dry

- a. Is classified as a Mountain Road from 10600 South to the locked gate.
 - i. Has an average gravel width of 14 feet with no shoulders.
 - ii. Has a 66-foot ROW.
 - iii. Has summer maintenance provided by the County.
- b. Is classified as a Dirt Road from the locked gate to the middle of the subject property.
 - i. Has an average gravel width of 12 feet with no shoulders.
 - ii. Has a 66-foot ROW.
 - iii. No maintenance is provided by the County.
- c. From the end of the paved section of 800 East to the subject parcel the roadway is substandard for width, slopes, and drainage.
- d. Future development may require right-of-way dedication and road improvements as sections of the road will need considerable work to bring them into compliance.

D. Service Provisions:

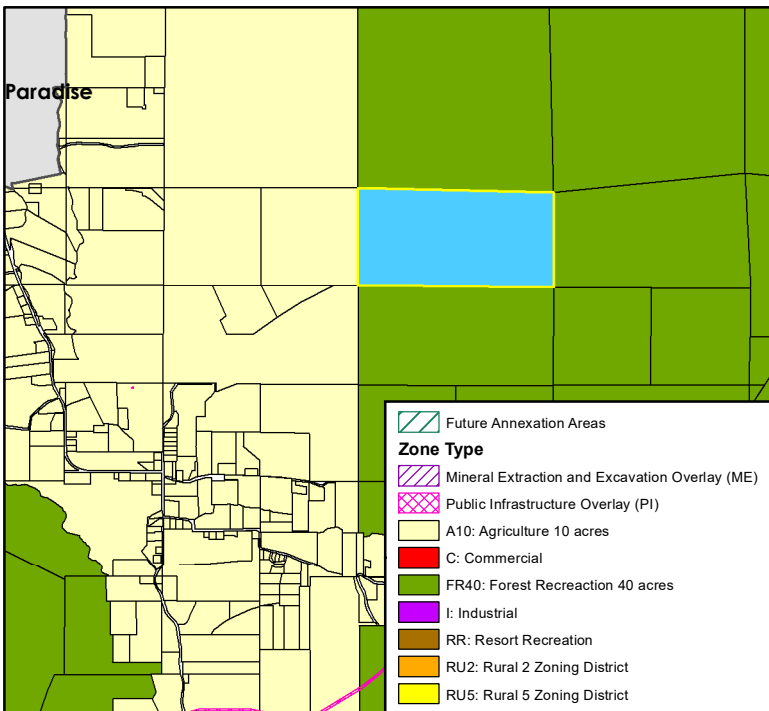
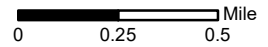
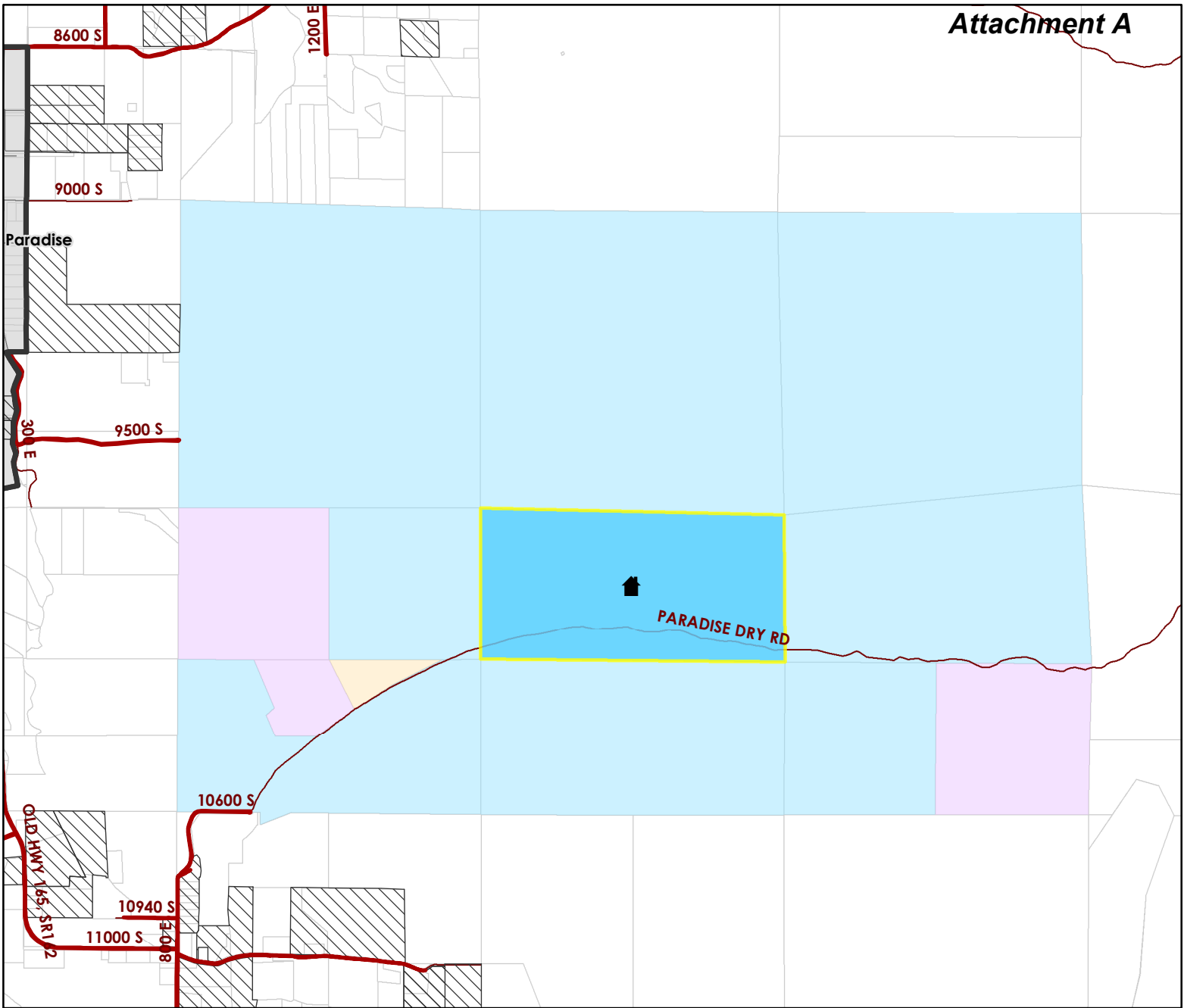
- 12. §16.04.080 [C] Fire Control – The County Fire District reviewed the request and had no comments regarding the rezone request.
- 13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental had no comments on the rezone request.

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

- 14. Public notice was posted online to the Utah Public Notice Website on 20 August 2020.
- 15. Notice was published in the Herald Journal on 22 August 2020.
- 16. Notices were posted in three public places on 21 August 2020.
- 17. Notices were mailed to all property owners within 300 feet on 21 August 2020.
- 18. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

Staff Conclusion

The Paradise Dry Rezone, a request to rezone 320.24 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.



Legend

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

Average Parcel Size

Adjacent Parcels	With a Home: 320.2 Acres (1 Parcel)
	Without a Home: 387.7 Acres (8 Parcels)
1/4 Mile Buffer	With a Home: 320.2 Acres (1 Parcel)
	Without a Home: 346.9 Acres (9 Parcels)
1/2 Mile Buffer	With a Home: 320.2 Acres (2 Parcel)
	Without a Home: 290.2 (12 Parcels)

- 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

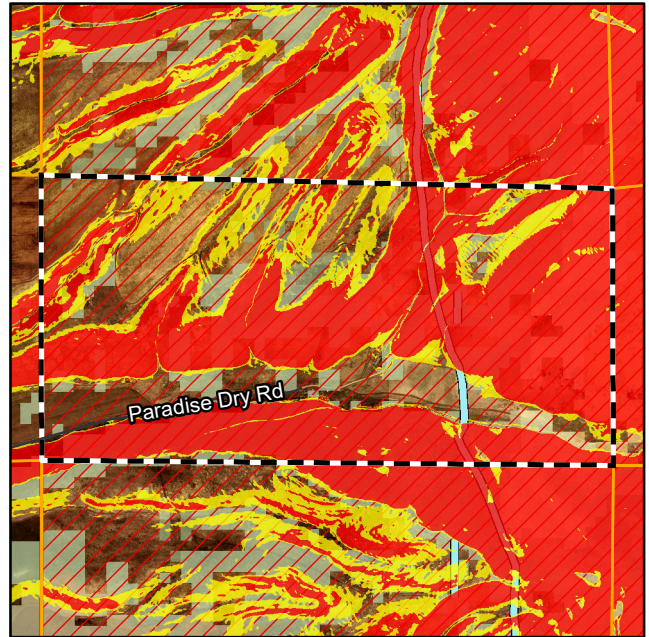


GIS PARCEL SUMMARY

Not Authoritative — For Preliminary Review Only

Generated on 26 Aug. 2020 at 10:44 AM

Parcel Number: 16-031-0001
Property Address: PARADISE DRY RD
 AVON
Tax Roll Acreage: 320.24
Owner Name: DEE'S INC
Owner Address: 777 E 2100 S
 SALT LAKE CITY, UT 84106-1829
Jurisdiction: Cache County
Future Annexation Area: None Declared
Base Zone: FR40
Overlay Zone: None



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

Initial Parcel: Potentially a **legal** parcel
Legality Review: Appears to have the same configuration as on August 8, 2006

*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

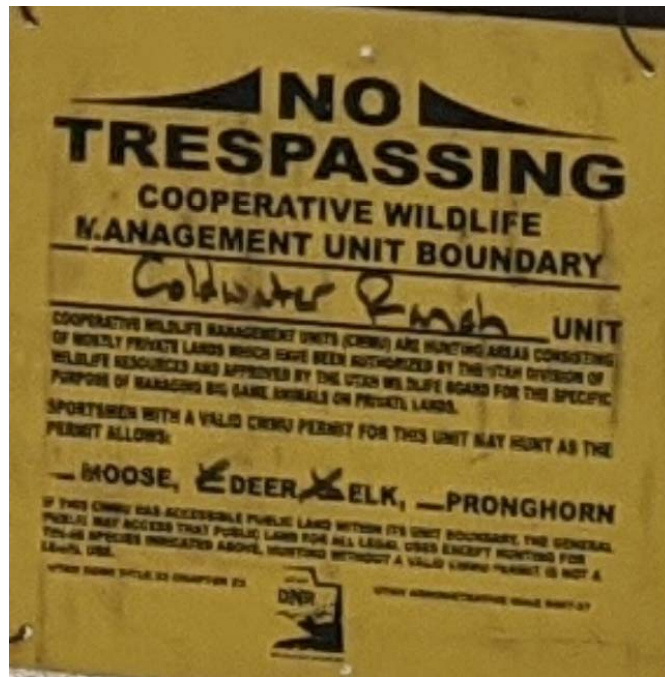
Encroachment Permit
 Moderate Slopes

Steep Slopes
 Fault Lines

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.

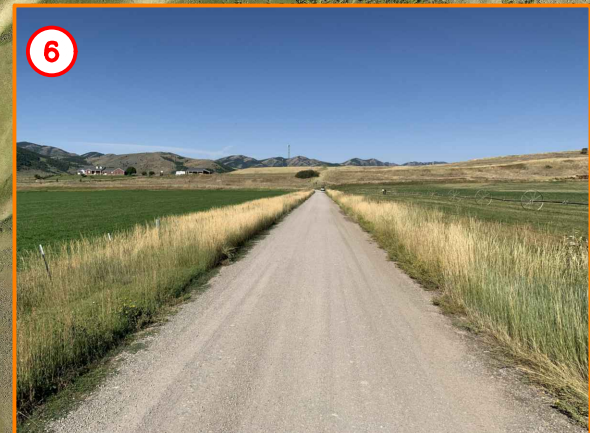
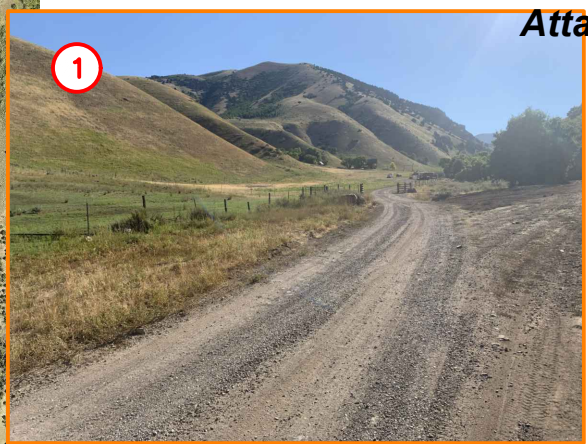
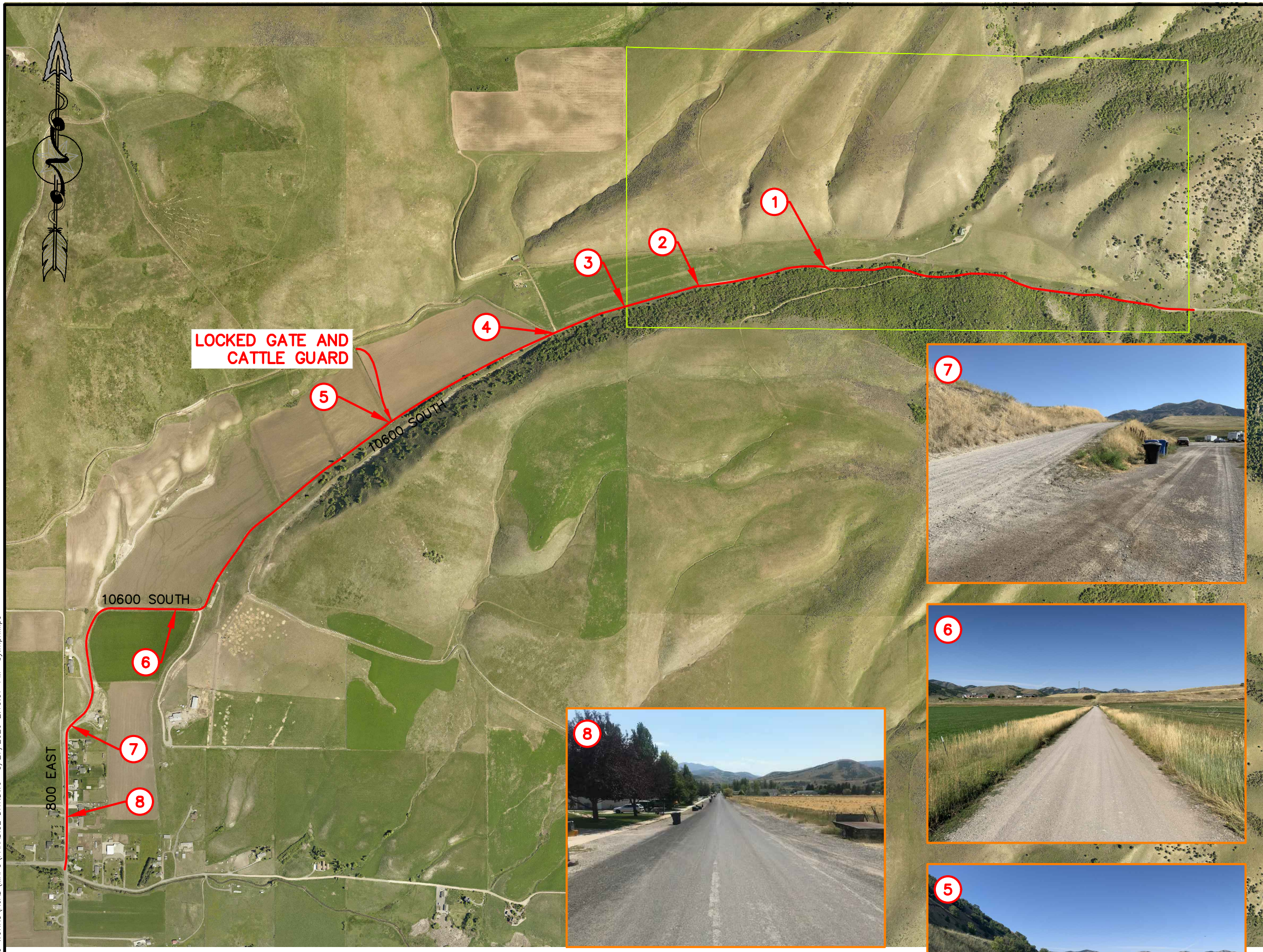




PARADISE DRY REZONE
 2070 EAST PARADISE DRY ROAD, AVON
 PARCEL# 16-031-0001
 ROAD REVIEW MAP

NO.	DATE	REVISIONS DESCRIPTION

PROJECT #
 WINTER PARKING
 SHEET NUMBER
 1 OF 1



PARADISE DRY CANYON REZONE ROAD MAP

SCALE: 1"=1000'

Paradise Dry Rezone

Option 1 – Recommend Approval

Planning Commission Conclusion

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

1. The location of the subject property to be rezoned is not compatible with the purpose of the Agricultural (A10) Zone.
2. The subject property to be rezoned is 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, lack of essential services, and will conflict or have deleterious effects upon surrounding properties.



Angie Zetterquist <angie.zetterquist@cachecounty.org>

September 3, 2020 - Cache County Planning Commission

Dayson Johnson <djohnson@maglebyconstruction.com>
To: Angie Zetterquist <Angie.Zetterquist@cachecounty.org>

Wed, Aug 19, 2020 at 1:25 PM

Hey Angie,

Thanks for reaching out. Yes we do have an update. We had a meeting with the state, Bio-West and the Whisper Ridge team see below for a more detailed update.

Site visit Whisper Ridge, Thursday - August 13, 2020

Kip King, UDWR

Will Atkin, Utah Water Rights

Daren Rasmussen, Utah Water Rights

Dan Lockwood and Dayson Johnson, Whisper Ridge

Bob Thomas, BIO-WEST

Begin the permit process immediately taking the approach that the pond construction has not been completed yet. The group discussed that technically the pond is not complete because it has not been reseeded or revegetated. Daren said that we could also propose some minor final grading and seed bed preparation along with erosion control blankets. If we submit a stream alteration permit application for this it will go out on public notice and the Corps or Engineers will have a chance to comment. The permit application will likely be issued within 30 days after a complete submittal.

The summary on stream alteration was that **BIO-WEST will take the lead on preparing a permit application ASAP** following this group's review and approval of this email summary.

This **could possibly and perhaps is even likely to trigger the Corps of Engineers Section 404 process** which will require an after the fact Section 404 Nationwide Permit for impacts to less than 0.5 acre of wetlands. If the 404 permit is required it will likely include mitigation.

Will Atkin said that a **State Small Damn Permit would be required for the pond.** This type of permit is required for impoundments of less than 20 acre feet. It did not sound like a big effort.

In summary Angie the state said they feel very comfortable taking lead on this from here as this could be a longer process, and, per the state is solvable and isn't something we can just not do at this point since we have engaged the state and the corps and made them aware of what we have going on.

Please let me know if the planning commission would like to continue with this item as basis for revocation. I should be able to have the state side permitting done in 60-90 days depending on their approval process. If the Corps have comments and require mitigation that can be an 18 month process per Bio-West. Happy to give report on this as it goes.

Other than this letter I don't believe I will have any new information until the permits are approved. I can appear at the next meeting if needed to go through the findings and next steps.

Thanks again!

Dayson Johnson

○ 385.293.1128 • ● 801.647.9165

From: Angie Zetterquist <Angie.Zetterquist@cachecounty.org>
Sent: Wednesday, August 19, 2020 12:42 PM
To: Dayson Johnson <djohnson@maglebyconstruction.com>; dayson@whisperridgeutah.com
Subject: September 3, 2020 - Cache County Planning Commission

[EXT!]

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