

*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 – Chris Sands

Review and approval of agenda

Review and approval of the minutes of the 3 September 2020 meeting

**5:35 p.m.**

**Consent Items**

- 1. 3200 West Street Subdivision 2<sup>nd</sup> Amendment** – A request to amend Lots 1 & 2 and the agricultural remainder for an existing subdivision located at 765 South 3200 West, near Logan, in the Agricultural (A10) Zone.
- 2. South Mount Sterling Subdivision 1<sup>st</sup> Amendment** – A request to amend the boundaries of the existing one-lot subdivision to change the location of an adjacent parcel (not a part of the subdivision) and create a second agricultural remainder in the subdivision located at 5605 South 3300 West, near Wellsville, in the Agricultural (A10) Zone.
- 3. North Pine Canyon Ranch Subdivision 3<sup>rd</sup> Amendment** – A request to amend the boundaries of an existing subdivision that will result in the removal of two lots and one agricultural remainder, which will become a new subdivision (i.e., CSM Subdivision). The amended subdivision will have 2 lots and 4 agricultural remainders on 118.5 acres and is located at 5232 West 4600 South, near Wellsville, in the Agricultural (A10) Zone.
- 4. CSM Subdivision** – A request to create a new 2-lot subdivision with an agricultural remainder from the properties removed from the North Pine Canyon Ranch Subdivision. The new subdivision will be on 31.29 acres located at 4901 West 4600 South, near Wellsville, in the Agricultural (A10) Zone.
- 5. Souter Subdivision** – A request to create a new 2-lot subdivision with an agricultural remainder on 24.1 acres located at ~808 South 3200 West, near Logan, in the Agricultural (A10) Zone.  
*Continued to November 5, 2020.*

**Regular Action Items**

- 6. Public Hearing (5:35 PM): Butcher Shop Rezone** – A request to rezone 2.27 acres located at ~3565 West 2200 South, near Wellsville, from the Agricultural (A10) Zone to the Industrial (I) Zone.
- 7. Public Hearing (5:50 PM): BGTS Properties Rezone** – A request to rezone 5.91 acres located at 550 West 8700 South, near Paradise, from the Agricultural (A10) Zone to the Commercial (C) Zone.

Board Member Reports

Staff reports

Adjourn

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

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

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

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

When it is your turn to speak:

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

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

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

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

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

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### **LIMITS OF JURISDICTION**

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



**Planning Commission Minutes**

**3 September 2020**

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1 **Present:** Chris Harrild, Angie Zetterquist, Lane Parker, Chris Sands, Jason Watterson, Brady  
2 Christensen, Phillip Olsen, Matt Phillips, John Luthy, Megan Izatt

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

4 **Sands** called the meeting to order and **Christensen** gave the opening remarks.

5 **05:32:00**

6 **Agenda**

7 No changes from revised agenda.

8 **05:34:00**

9 **Minutes**

10 *Parker* motioned to approve the minutes from July 9, 2020; *Watterson* seconded; **Passed 5, 0.**

11 **05:33:00**

12 **Consent Agenda**

13 **1. Haviland & Annie Subdivision**

14 **2. Summit Vista Subdivision**

15 **3. Cherry Peak Ski Area Conditional Use Permit 2<sup>nd</sup> Amendment**

16 **4. The Farm in Old Paradise Conditional Use Permit**

17 *Watterson* motioned to approve the 4 consent agenda items with the noted conclusions and conditions;

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

19 **05:34:00**

20 **Regular Action Items**

21 **5. Public Hearing (5:35 PM): Paradise Dry Rezone**

22 **Zetterquist** reviewed the staff report for the Paradise Dry Rezone.

23 **Staff** and **Commission** discussed the steep slopes and sensitive areas, the reason for the rezone, and right  
24 of way for road improvements.

25 **Jake Petersen** commented that he is hoping to move to the cabin and live there year round and that the  
26 area is used for agricultural purposes.

27 **Sands** asked if the applicant was aware of the road improvement require.

- 1 **Mr. Petersen** stated no.
- 2 **Sands** asked what the next step would be if the rezone were approved.
- 3 **Harrild** stated it would be a zoning clearance.
- 4 **Watterson** asked when the cabin was constructed.
- 5 **Mr. Petersen** responded in 2000 and stated the county has been maintaining the road to the gate.
- 6 **Phillips** stated there was a subdivision approved to the north corner and the road should have been  
7 approved with that subdivision. The county plows to 800 west and then turns around.
- 8 **Staff** and **Commission** discussed what has been approved in the area regarding subdivisions and what  
9 part of the road is maintained by the county and plowed by the county.
- 10 **Mr. Petersen** stated the road from the gate to the start of the cabin's driveway is flat and fairly easy to  
11 improve.
- 12 **Christensen** asked if Mr. Petersen would need to work with the other property owners along the road to  
13 widen the road.
- 14 **Harrild** responded staff would have to see if the right of way is in place.
- 15 **Luthy** informed the Commission that the County Council is looking at changing the road standard and  
16 requiring paved road for all residences.
- 17 **05:53:00**
- 18 **Watterson** motioned to open the public hearing for the Paradise Dry Rezone; **Parker** seconded; **Passed**  
19 **5, 0.**
- 20 **05:54:00**
- 21 **Watterson** motioned to close the public hearing for the Paradise Dry Rezone; **Parker** seconded; **Passed**  
22 **5, 0.**
- 23 **Staff** and **Commission** discussed if the parcel looks like Agriculture or FR40 land and what precedent  
24 would be set by making this change. Road maintenance was discussed.
- 25 **Mr. Petersen** stated if they own to the gate does the County have to plow up to the house or is it a long a  
26 driveway.
- 27 **Sands** stated that it would be a driveway.
- 28 **Mr. Petersen** commented that the County has maintained past the locked gate at this point.
- 29 **Staff** and **Commission** discussed the road.

1 **Watterson** motioned to recommend approval to the County Council for the Paradise Dry Rezone based  
2 on the findings of fact and conclusion; **Olsen** seconded; **Passed 5, 0.**

3 **06:10:00**

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

5 **Dayson Johnson** gave a brief update regarding the pond. A stream alteration permit was needed for the  
6 work that was done and they will need to apply for the permit as the dam is not finished. A dam safety  
7 permit also needs to be applied for and they don't believe there should be any problems obtaining  
8 the permit. Water rights are also needed and the application could take up to 18 months to receive. The  
9 Army Corp of Engineers could also hold the stream alteration permit for up to 18 months.

10 **Staff** and **Commission** discussed the current active permit.

11 **Mr. Johnson** stated they were accessing the property through the parcel discussed in the Paradise Dry  
12 Rezone, but now the Whisper Ridge property is only accessed by helicopter for heli-skiing.

13 **Harrild** stated there are some additional changes the Commission might see going forward but the  
14 business is allowed to operate currently.

15 **Mr. Johnson** stated they are not trying to drag this process out but would like to complete it as soon as  
16 possible and keep staff informed by email and let staff know when there is an update.

17 **Olsen** motioned to continue the Whisper Ridge Conditional Use Permit Revocation Review Update up to  
18 90 days; **Parker** seconded; **Passed 5, 0.**

19 **06:24:00**

20 **Zetterquist** informed the commission of the agenda for next month's meeting.

21 **Staff** and **Commission** discussed the road resolution and possible impacts of what ordinance replaces the  
22 road resolution.

23 **Harrild** informed the **Commission** that the Cache County Comprehensive Plan is going to be reviewed  
24 and **Commissioners'** will be invited to participate in that review.

25 **06:32:00**

26 **Christensen** left.

27 **06:34:00**

28 **Adjourned**

### Staff Report: 3200 West Street Subdivision 2<sup>nd</sup> Amendment

1 October 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:** Cheryl Pinder

**Parcel ID#:** 11-004-0010, -0044, -0054

**Staff Determination:** Approval with conditions

**Type of Action:** Administrative

**Land Use Authority:** Planning Commission

### Project Location

*Reviewed by Angie Zetterquist*

**Project Address:**

765 South 3200 West  
Near Logan

**Current Zoning:**

Agricultural (A10)

**Acres:** 50.31

**Surrounding Uses:**

North – Agricultural/Residential

South –Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



### Findings of Fact (20)

**A. Request description**

1. The 3200 West Street Subdivision 2<sup>nd</sup> Amendment is a request to amend Lots 1 & 2 and the agricultural remainder of an existing subdivision. The area of the subdivision amendment boundary is 50.31 acres and is in the Agricultural (A10) Zone.
  - a. Lot 1 will increase from 0.91 acres to 1.88 acres;
  - b. Lot 2 will increase from 0.50 acres to 0.52 acres; and
  - c. The Agricultural Remainder will decrease from 48.90 acres to 47.91 acres.

## **B. Parcel legality**

2. The three subject properties are legal parcels as they are in the same size and configuration as the existing approved plat for the 3200 West Street Subdivision 1<sup>st</sup> Amendment recorded in August 2018.
3. Lot 4 of the existing subdivision has been divided without Land Use Authority and is not part of this subdivision amendment request. Lot 4 with the unapproved addition (parcel #'s 11-004-0029 & -0056) are considered restricted and only agricultural development will be allowed until the parcels have been combined back together or the property owner submits a subdivision amendment request to create another lot or agricultural remainder in the subdivision.

## **C. Authority**

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

## **D. Culinary water, septic system, and storm water**

5. §16.04.080 [A] Water Requirements – Domestic culinary water rights are in place for the Lots 1 & 2 with existing homes.
6. §16.04.080 [B] Sewage Requirements – As no new lots are being created as part of this subdivision, septic feasibility letters from the Bear River Health Department are not required for the existing lots as the homes were previously constructed.
7. §16.04.070 Storm Drainage Requirements – The County Engineer reviewed the existing storm water controls for the amended subdivision and there are no improvements required at this time. 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 #1 & #2*

## **E. Access**

8. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
9. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
10. §16.04.080 [E] Roads and Access – A basic road review is required and must consider:
  - a. The layout of proposed roads;
  - b. An analysis of existing roadway compliance with the Road Manual requirements;
  - c. Existing maintenance;
  - d. And any additional impacts to the proposed development access roads.
11. The Road Manual specifies the following:
  - a. §2.1-A-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.

**12.** A basic review of the access to the proposed subdivision identifies the following:

- a. Access to the 3200 West Street Subdivision 2<sup>nd</sup> Amendment is from 3200 West, a county road.
- b. 3200 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 23-foot wide paved surface with 1.5-foot wide paved shoulders and 1.5-foot wide gravel shoulders.
  - v. Has the required 66-foot wide ROW per the subdivision plat.
  - vi. Is maintained year round.
  - vii. No improvements to 3200 West will be required.
  - viii. Access to Lot 1 is substandard and must be brought into compliance with current standards prior to recordation. *See condition #3*

**F. Service Provision**

- 13. §16.04.080 [C] Fire Control – The County Fire District has no issues with the proposed subdivision amendment. Any future development on the property must be reevaluated and may require improvements based on the location of the proposed access and development.
- 14. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental did not provide any comments regarding this subdivision request. As with all development, sufficient shoulder space must be provided along the side of the 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**

- 15. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
  - a. According to the GIS data, portions of the amended subdivision have an irrigation canal running adjacent and through the properties. *See condition #4*

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

- 16. Public notice was posted online to the Utah Public Notice Website on 18 September 2020.
- 17. Notice was published in the Herald Journal on 19 September 2020.
- 18. Notices were posted in three public places on 18 September 2020.
- 19. Notices were mailed to all property owners within 300 feet of the subject property on 18 September 2020.
- 20. 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. Storm water controls must be maintained by the property owners. (*See D-6*)

2. A Land Disturbance Permit is required for any future development. *(See D-6)*
3. Prior to recordation, the access points from 3200 West to Lot 1 must be brought into compliance with current standards. The applicant must work with the Department of Public Works to obtain the required encroachment permits to bring it into compliance. A copy of the encroachment permits and approvals must be provided to the Department of Development Services. *(See E-12-b-viii)*
4. Any future development located within sensitive areas may require further analysis and approvals per the County Code prior to the issuance of a Zoning Clearance. *(See G-15-a)*

## **Conclusions (1)**

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Based on the findings of fact and conditions noted herein, staff recommends approval of the 3200 West Street Subdivision 2<sup>nd</sup> Amendment as:

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





### Staff Report: South Mount Sterling Subdivision 1<sup>st</sup> Amendment

1 October 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:** Kurt Glen Bankhead  
**Staff Determination:** Approval with conditions  
**Type of Action:** Administrative  
**Land Use Authority:** Planning Commission

**Parcel ID#:** 10-017-0011, -0019  
 10-042-0005

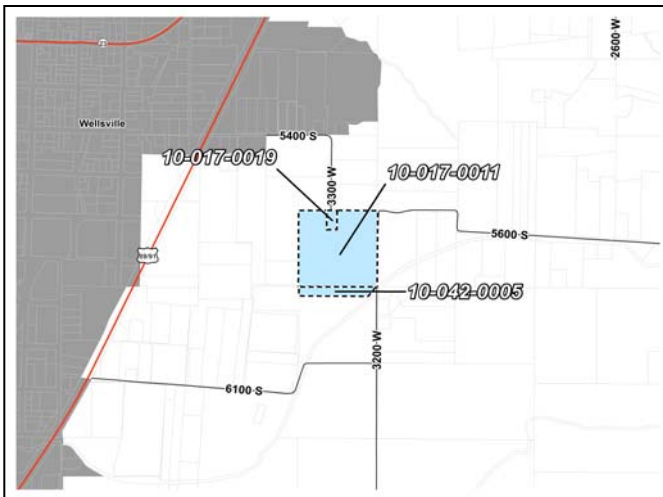
### Project Location

*Reviewed by Angie Zetterquist*

**Project Address:**  
 5605 South 3300 West  
 Wellsville

**Current Zoning:** Agricultural (A10)      **Acres:** 44.76

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



### Findings of Fact (19)

#### A. Request description

1. The South Mount Sterling Subdivision 1<sup>st</sup> Amendment is a request to change the boundary of the existing one-lot subdivision with an agricultural remainder by creating a 2<sup>nd</sup> agricultural remainder that will extend the boundary south and reconfigure parcel 10-042-0005, which is not a part of the subdivision, from the south boundary to the east boundary. This amendment will involve a total of 44.76 acres in the Agricultural (A10) Zone.
  - a. Lot 1 will remain at 1.34 acres;
  - b. Agricultural Remainder #1 will decrease from 38.66 acres to 9.61 acres; and
  - c. Agricultural Remainder #2 will be 13.2 acres.

d. Parcel #10-042-0005 will change from 4.76 acres to 21.4 acres.

**B. Parcel legality**

2. The subject properties in the subdivision are legal and conform to the approved subdivision plat. Parcel #10-042-0005 is legal as it is in the same size and configuration as August 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 – Domestic culinary water rights are in place for Lot 1 with an existing home. As no new buildable lots are being created, additional water rights are not required.
5. §16.04.080 [B] Sewage Requirements – As no new lots are being created as part of this subdivision amendment, a septic feasibility letter from the Bear River Health Department is not required for the existing lot as the home has been previously constructed.
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. 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 #1 & #2*

**E. Access**

7. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
8. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
9. §16.04.080 [E] Roads and Access – A basic road review is required and must consider:
  - a. The layout of proposed roads;
  - b. An analysis of existing roadway compliance with the Road Manual requirements;
  - c. Existing maintenance;
  - d. And any additional impacts to the proposed development access roads.
10. The Road Manual specifies the following:
  - a. §2.1-A-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 South Mount Sterling Subdivision 1<sup>st</sup> Amendment at to parcel 10-042-0005 are from 5600 South and 3200 West, both county roads.
  - b. 5600 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 Local Road.
    - iv. Consists of a 17-foot wide paved surface with no shoulders.
    - v. Has a right of way by use; previous subdivision plat did not properly dedicate roadway. *See condition #3*
    - vi. Is maintained year round.
    - vii. Is considered substandard. *See condition #4*
  - viii. Access to Lot 1 from 5600 South does not meet the current County standards and must be improved and obtain a design exception for proximity to the intersection prior to recordation. Any agricultural access that are not in compliance must also be improved to County Standards. *See condition #5*
  - c. 5600 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 Local Road.
    - iv. Consists of a 17-foot wide paved surface with approximately 1-foot wide gravel shoulders.
    - v. Has a right of way by use, but must be dedicated as part of this request. *See condition #3*
    - vi. Is maintained year round.
    - vii. Is considered substandard. *See condition #4*

#### **F. Service Provision**

12. §16.04.080 [C] Fire Control – The County Fire District has no issues with the proposed subdivision amendment. 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 did not provide any comments regarding this subdivision request. As with all development, sufficient shoulder space must be provided along the side of the 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 within the existing or proposed subdivision boundary.

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

15. Public notice was posted online to the Utah Public Notice Website on 18 September 2020.
16. Notice was published in the Herald Journal on 19 September 2020.
17. Notices were posted in three public places on 18 September 2020.
18. Notices were mailed to all property owners within 300 feet of the subject property on 18 September 2020.

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

## **Conditions (5)**

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

1. 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. The applicant must provide written approval of the storm water plan from the County Engineer to the Department of Development Services. Storm water controls must be maintained by the property owners. *(See D-6)*
2. A Land Disturbance Permit is required for any future development. *(See D-6)*
3. Prior to recording the plat, the subdivision plat must include the required 33-foot dedication of ROW from the centerline of 5600 South from 3300 West to 3200 West as well as 33 feet from the centerline of 3200 West along the frontage of parcel 10-042-0005 *(See E-11-b-v, E-11-c-v)*
4. Both 5600 South and 3200 West are considered substandard. Prior to any future development, the roads must be improved to meet the current County Road Manual standards for a Local Road. *(see E-11-b-vii, E-11-c-vii)*
5. Prior to recordation, the access point for Lot 1 and the agricultural access must be brought into compliance with current standards. The applicant must work with the Department of Public Works to obtain the required encroachment permits and/or design exceptions to bring the access points into compliance. A copy of the encroachment permits and all approvals must be provided to the Department of Development Services. *(see E-11-b-viii)*

## **Conclusions (1)**

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

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







### Staff Report: North Pine Canyon Ranch Subdivision 3<sup>rd</sup> Amendment 1 October 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:** Curtis Maughan  
**Staff Determination:** Approval with conditions  
**Type of Action:** Administrative  
**Land Use Authority:** Planning Commission

**Parcel ID#:** 11-075-0010, -0024, -0027  
 -0007, -0009, -0011, -0025, -0026, -0028

### Project Location

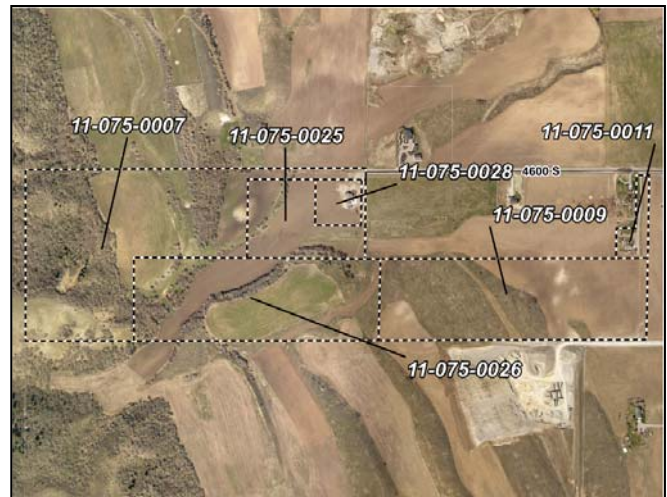
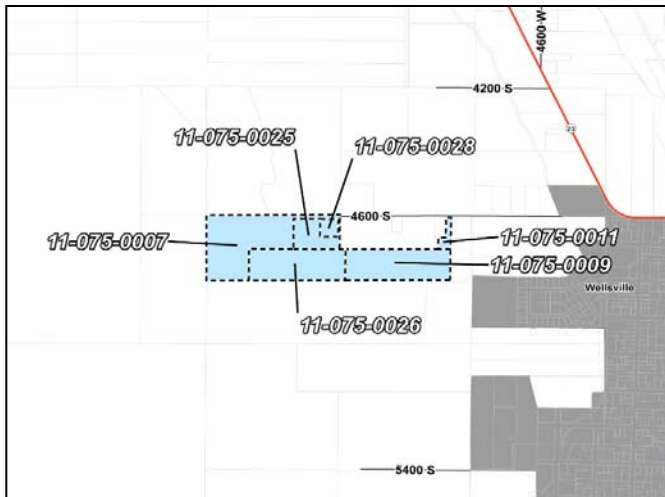
*Reviewed by Angie Zetterquist*

**Project Address:**  
 5232 West 4600 South  
 Wellsville  
**Current Zoning:**  
 Agricultural (A10)

**Acres:** 118.5

### Surrounding Uses:

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



### Findings of Fact (19)

#### A. Request description

1. The North Pine Canyon Ranch Subdivision 3<sup>rd</sup> Amendment is a request to amend the existing subdivision boundary by removing two lots and an agricultural remainder leaving two lots and four agricultural remainders in the amended subdivision boundary on 118.5 acres in the Agricultural (A10) Zone.
  - a. Lots 3 & 4 and Agricultural Remainder #4 will be removed and a new subdivision formed (i.e., CSM Subdivision),
  - b. Lot 2 will be 2.35 acres;
  - c. Lot 5 will be 5.0 acres;

- d. Agricultural Remainder #1 will be 10.31 acres;
- e. Agricultural Remainder #2 will be 42.04 acres;
- f. Agricultural Remainder #3 will be 28.96 acres; and
- g. Agricultural Remainder #5 will be 31.37 acres.
- h. Lot 1 was previously removed as part of the Scott Wells Subdivision.

**B. Parcel legality**

- 2. The subject properties are currently part of the North Pine Canyon Ranch Subdivision and are legal parcels. The amendment request will not result in the creation of any new lots.

**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 place for the two lots with existing homes.
- 5. §16.04.080 [B] Sewage Requirements – As no new lots are being created as part of this subdivision, septic feasibility letters from the Bear River Health Department are not required for the existing lots as the homes were previously constructed.
- 6. §16.04.070 Storm Drainage Requirements – The County Engineer reviewed the existing storm water controls for the amended subdivision and there are no improvements required at this time. 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 #1 & #2*

**E. Access**

- 7. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
- 8. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
- 9. §16.04.080 [E] Roads and Access – A basic road review is required and must consider:
  - a. The layout of proposed roads;
  - b. An analysis of existing roadway compliance with the Road Manual requirements;
  - c. Existing maintenance;
  - d. And any additional impacts to the proposed development access roads.
- 10. The Road Manual specifies the following:
  - a. §2.1-A-4 Rural Road, Table 2.2 Roadway Typical Sections: Roads with up to 30 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and low volumes. This category provides access to farms, other agricultural uses, and dispersed rural residences.
  - a. Table 2.2 Roadway Typical Sections: Rural Roads must meet the minimum standard of two, 10-foot wide gravel travel lanes with 2-foot wide gravel shoulders (24 feet total width), 14-inches depth of granular borrow, a 6-inches depth of road base, 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 North Pine Canyon Ranch Subdivision 3<sup>rd</sup> Amendment is from 4600 South, a county road.
- b. 4600 South:
  - i. Is an existing county facility that provides access to the general public.
  - ii. Is a dead end road that currently provides access to multiple dwellings, vacant lots, and agricultural parcels. A turn-around has been completed at the end of the road for Fire Department access.
  - iii. Is classified as a Rural Road.
  - iv. Consists of a 23-foot wide paved surface with 1.5-foot wide paved shoulders and 2-foot wide gravel shoulders.
  - v. Has the required 66-foot wide ROW per the subdivision plat.
  - vi. Is maintained year round.
  - vii. Was reconstructed by the Public Works Department this summer and meets or exceeds current standards. No improvements will be required.

**F. Service Provision**

- 12. §16.04.080 [C] Fire Control – The County Fire District has no issues with the proposed subdivision amendment. 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 Wellsville Fire Department.
- 13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental did not provide any comments regarding this subdivision request. As with all development, sufficient shoulder space must be provided along the side of the 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, portions of the amended subdivision are located within the FEMA flood plain and 100-foot buffer area. Any future development in these areas may require the preparation of an elevation certificate prior to issuance of a Zoning Clearance. *See condition #3*
  - b. The amended subdivision also has areas of steep to moderate slopes, liquefaction areas, and a potential fault line running through it. *See condition #3*
  - c. A portion of Agricultural Remainder #2 is located within a Source Water Protection Area #2 and septic systems are not permitted in this area. *See condition #3*

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

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

## **Conditions (4)**

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

1. Storm water controls must be maintained by the property owners. *(See D-6)*
2. A Land Disturbance Permit is required for any future development. *(See D-6)*
3. Any future development located within sensitive areas may require further analysis and approvals per the County Code prior to the issuance of a Zoning Clearance. *(See G-14-a, -b, -c)*
4. Prior to recordation, a corner file must be submitted by the applicant's surveyor to the County GIS Department for each of the corners used as a control in the North Pine Canyon Ranch survey.

## **Conclusions (1)**

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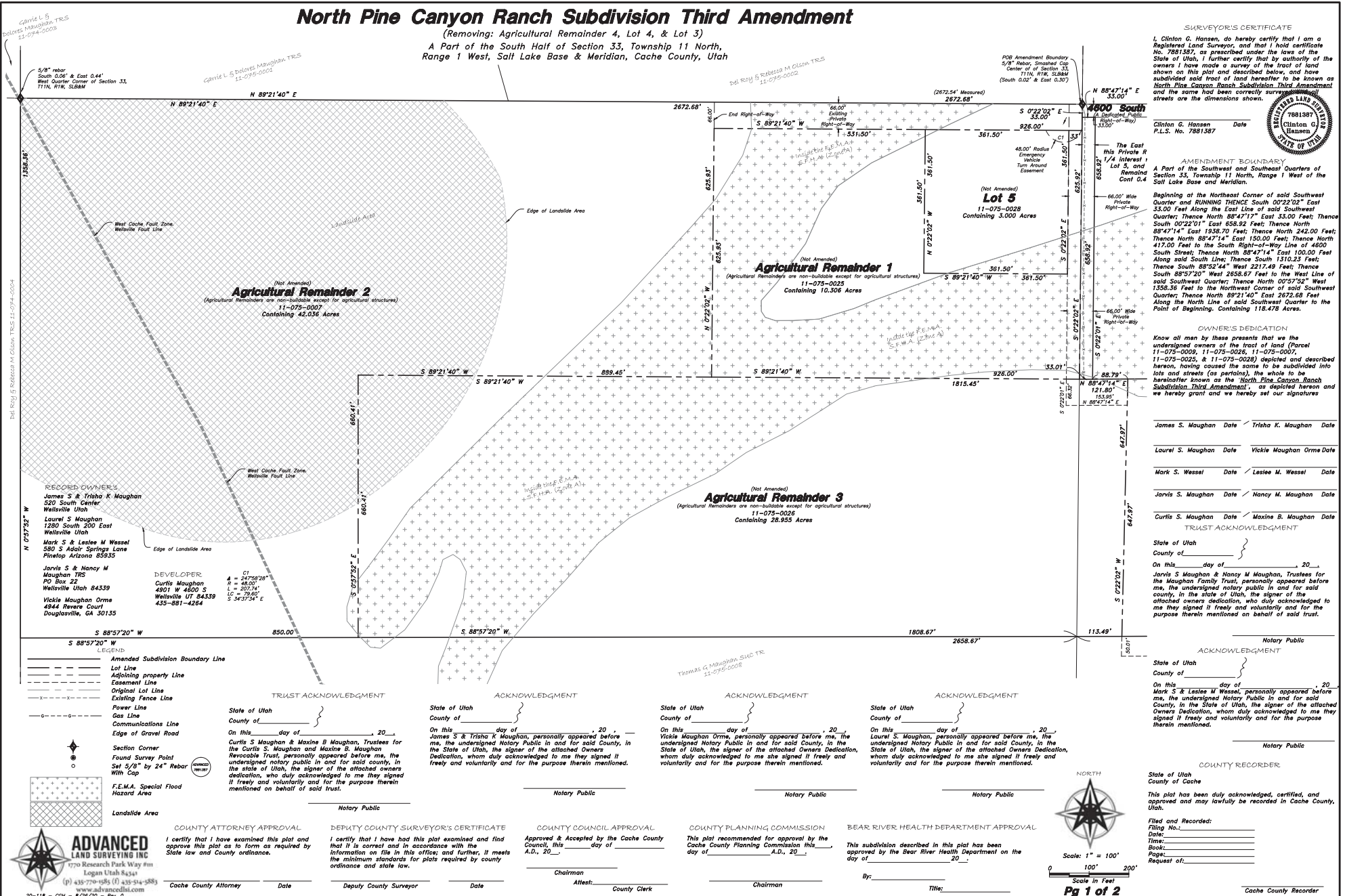
Based on the findings of fact and conditions noted herein, staff recommends approval of the North Pine Canyon Ranch Subdivision 3<sup>rd</sup> Amendment as:

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



# North Pine Canyon Ranch Subdivision Third Amendment

(Removing: Agricultural Remainder 4, Lot 4, & Lot 3)  
 A Part of the South Half of Section 33, Township 11 North,  
 Range 1 West, Salt Lake Base & Meridian, Cache County, Utah



**SURVEYOR'S CERTIFICATE**  
 I, Clinton G. Hansen, do hereby certify that I am a Registered Land Surveyor, and that I hold certificate No. 7881387, as prescribed under the laws of the State of Utah. I further certify that by authority of the owners I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land hereafter to be known as North Pine Canyon Ranch Subdivision Third Amendment, and the same had been correctly surveyed, and all streets are the dimensions shown.

Clinton G. Hansen Date  
 P.L.S. No. 7881387



**AMENDMENT BOUNDARY**  
 A Part of the Southwest and Northwest Quarters of Section 33, Township 11 North, Range 1 West of the Salt Lake Base and Meridian.

**THE EAST PRIVATE R/W**  
 This Private R/W 1/4 Interest in Lot 5, and Remains Cont 0.4

**Beginning of the Northeast Corner of said Southwest Quarter and RUNNING THENCE** South 02°22'02" East 33.00 Feet Along the East Line of said Southwest Quarter; Thence North 88°47'14" East 33.00 Feet; Thence South 02°22'01" East 858.84 Feet; Thence North 88°47'14" East 1938.70 Feet; Thence North 242.00 Feet; Thence North 88°47'14" East 150.00 Feet; Thence North 417.00 Feet to the South Right-of-Way Line of 4600 South Street; Thence North 88°47'14" East 100.00 Feet Along said South Line; Thence South 1310.23 Feet; Thence South 88°52'44" West 2217.49 Feet; Thence South 88°57'20" West 2658.67 Feet to the West Line of said Southwest Quarter; Thence North 00°57'52" West 1258.36 Feet to the Northwest Corner of said Southwest Quarter; Thence North 89°21'40" East 2672.68 Feet Along the North Line of said Southwest Quarter to the Point of Beginning, Containing 118.478 Acres.

**OWNER'S DEDICATION**  
 Know all men by these presents that we the undersigned owners of the tract of land Parcel 11-075-0009, 11-075-0026, 11-075-0007, 11-075-0025, & 11-075-0028) depicted and described hereon, having caused the same to be subdivided into lots and streets (as pertains), the whole to be hereinafter known as the North Pine Canyon Ranch Subdivision Third Amendment, as depicted hereon and we hereby grant and we hereby set our signatures

**ACKNOWLEDGMENT**

James S. Maughan Date / Trisha K. Maughan Date  
 Laurel S. Maughan Date / Vickie Maughan Orme Date  
 Mark S. Wessel Date / Leslee M. Wessel Date  
 Jarvis S. Maughan Date / Nancy M. Maughan Date  
 Curtis S. Maughan Date / Maxine B. Maughan Date

**TRUST ACKNOWLEDGMENT**  
 State of Utah }  
 County of \_\_\_\_\_ }  
 On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
 Jarvis S. Maughan & Nancy M. Maughan, Trustees for the Maughan Family Trust, personally appeared before me, the undersigned notary public in and for said county, in the State of Utah, the signer of the attached Owners Dedication, who duly acknowledged to me they signed it freely and voluntarily and for the purpose therein mentioned.

**ACKNOWLEDGMENT**

State of Utah }  
 County of \_\_\_\_\_ }  
 On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
 Mark S. & Leslee M. Wessel, personally appeared before me, the undersigned Notary Public in and for said County, in the State of Utah, the signer of the attached Owners Dedication, whom duly acknowledged to me they signed it freely and voluntarily and for the purpose therein mentioned.

**ACKNOWLEDGMENT**

State of Utah }  
 County of \_\_\_\_\_ }  
 On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
 Curtis S. Maughan, personally appeared before me, the undersigned Notary Public in and for said County, in the State of Utah, the signer of the attached Owners Dedication, whom duly acknowledged to me they signed it freely and voluntarily and for the purpose therein mentioned.

**COUNTY RECORDER**  
 State of Utah }  
 County of Cache }  
 This plat has been duly acknowledged, certified, and approved and may lawfully be recorded in Cache County, Utah.

**Filed and Recorded:**  
 Filing No.: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Time: \_\_\_\_\_  
 Book: \_\_\_\_\_  
 Page: \_\_\_\_\_  
 Request of: \_\_\_\_\_

By: \_\_\_\_\_ Title: \_\_\_\_\_  
 Cache County Recorder

**DEVELOPER:**  
 Curtis Maughan  
 4801 W 4600 S  
 Wellsville UT 84339  
 435-381-4284

**RECORDED OWNERS:**  
 James S & Trisha K Maughan  
 520 South Center  
 Wellsville Utah  
 Laurel S Maughan  
 1280 South 200 East  
 Wellsville Utah  
 Mark S & Leslee M Wessel  
 580 S Adair Springs Lane  
 Pinetop Arizona 85535  
 Jarvis S & Nancy M Maughan TRS  
 PO Box 27  
 Wellsville Utah 84339  
 Vickie Maughan Orme  
 4844 Renere Court  
 Douglasville, GA 30135

**TRUST ACKNOWLEDGMENT**  
 State of Utah }  
 County of \_\_\_\_\_ }  
 On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
 Curtis S. Maughan & Maxine B. Maughan, Trustees for the Curtis S. Maughan and Maxine B. Maughan Revocable Trust, personally appeared before me, the undersigned notary public in and for said county, in the state of Utah, the signer of the attached owners dedication, who duly acknowledged to me they signed it freely and voluntarily and for the purpose therein mentioned on behalf of said trust.

**ACKNOWLEDGMENT**  
 State of Utah }  
 County of \_\_\_\_\_ }  
 On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
 James S & Trisha K Maughan, personally appeared before me, the undersigned Notary Public in and for said County, in the State of Utah, the signer of the attached Owners Dedication, whom duly acknowledged to me they signed it freely and voluntarily and for the purpose therein mentioned.

**ACKNOWLEDGMENT**  
 State of Utah }  
 County of \_\_\_\_\_ }  
 On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
 Vickie Maughan Orme, personally appeared before me, the undersigned Notary Public in and for said County, in the State of Utah, the signer of the attached Owners Dedication, whom duly acknowledged to me she signed it freely and voluntarily and for the purpose therein mentioned.

**ACKNOWLEDGMENT**  
 State of Utah }  
 County of \_\_\_\_\_ }  
 On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
 Curtis S. Maughan, personally appeared before me, the undersigned Notary Public in and for said County, in the State of Utah, the signer of the attached Owners Dedication, whom duly acknowledged to me she signed it freely and voluntarily and for the purpose therein mentioned.

**COUNTY ATTORNEY APPROVAL**  
 I certify that I have examined this plat and approve this plat as to form as required by State law and County ordinance.

Cache County Attorney Date

**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

**COUNTY COUNCIL APPROVAL**  
 Approved & Accepted by the Cache County Council, this \_\_\_\_\_ day of A.D., 20\_\_\_\_.

Chairman  
 Attest: \_\_\_\_\_  
 County Clerk

**COUNTY PLANNING COMMISSION**  
 This plat recommended for approval by the Cache County Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

Chairman

**BEAR RIVER HEALTH DEPARTMENT APPROVAL**  
 This subdivision described in this plat has been approved by the Bear River Health Department on the day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_ Title: \_\_\_\_\_

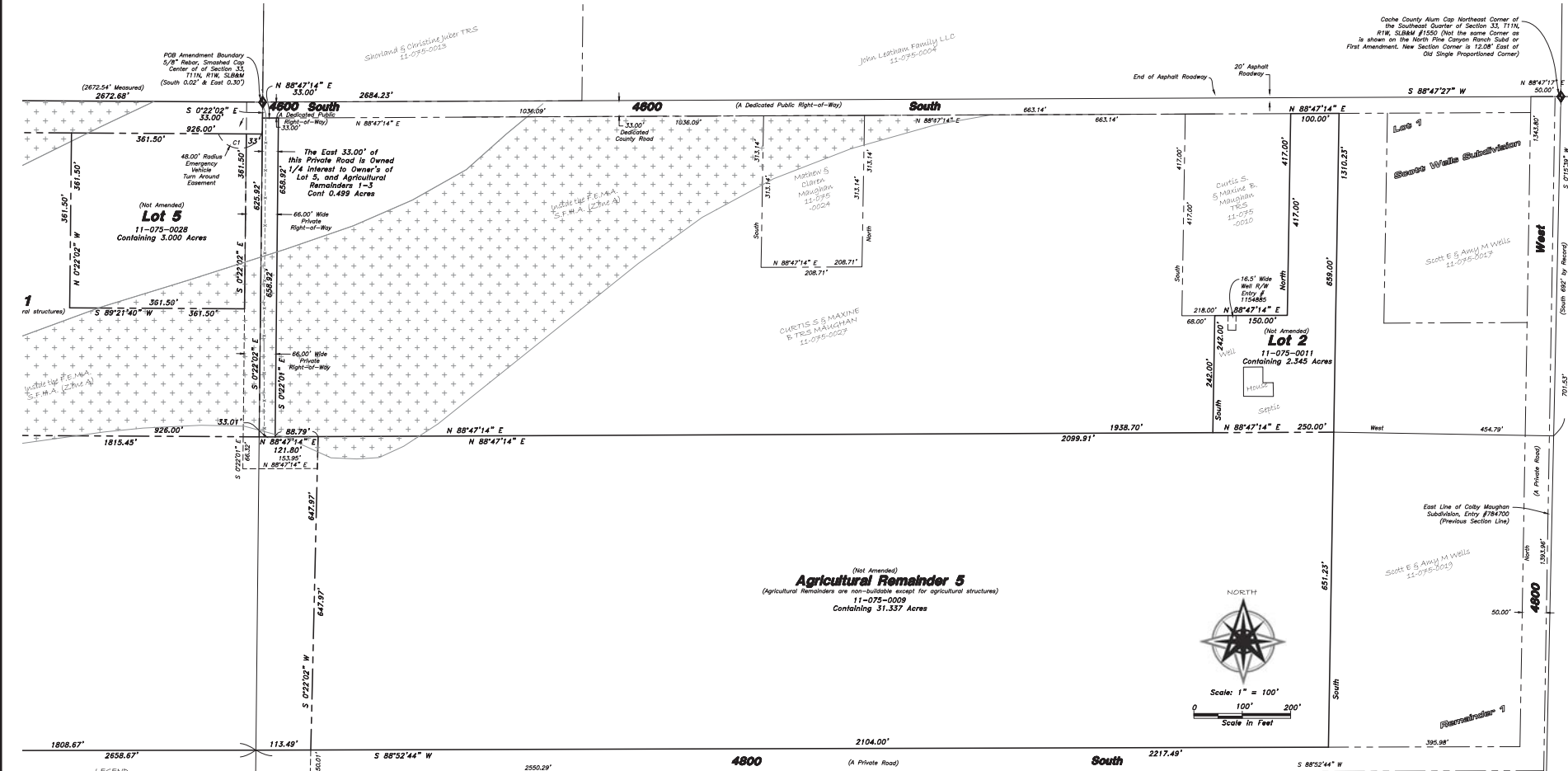
**ADVANCED LAND SURVEYING INC.**  
 1770 Research Park Way #11  
 Logan Utah 84341  
 (p) 435-779-9585 (f) 435-514-5883  
 www.advancedland.com

20-118 - 001 - 8/26/20 - Rev. 0

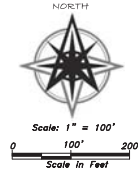


# North Pine Canyon Ranch Subdivision Third Amendment

(Removing: Agricultural Remainder 4, Lot 4, & Lot 3)  
 A Part of the South Half of Section 33, Township 11 North,  
 Range 1 West, Salt Lake Base & Meridian, Cache County, Utah



Cache County Alum Cap Northeast Corner of the Southeast Quarter of Section 33, T11N, R1W, S18M #1550 (Not the same Corner as shown on the North Pine Canyon Ranch Subdivision First Amendment, New Section Corner is 12.00' East of Old Single Proportioned Corner)



**LEGEND**

- Amended Subdivision Boundary Line
- Lot Line
- Adjoining Property Line
- Easement Line
- Canal Flowline
- Original Lot Line
- Existing Fence Line
- Power Line
- Gas Line
- Communications Line
- Edge of Gravel Road
- Edge of Asphalt

**GENERAL NOTES:**

**A. Cullinary Water Note:** Cullinary Water: Cache County has not determined the availability or adequacy of cullinary water to any of the lots identified. All owners are advised of the requirements to obtain an approved cullinary water source and comply with all other requirements for the issuance of a zoning clearance, prior to the issuance of a building permit.

**B. Storm Water Drainage Note:** Storm Water Drainage: Compliance with the standards of the Cache County Manual of Roadway Design and Construction Standards and State of Utah storm water permitting are required. This includes, but is not limited to, any increased level of storm water drainage from any portion of any lot or remainder parcel of this subdivision to any adjacent properties, ditches, canals, or waterways, or the alteration of any existing, historic, or natural drainage without prior written authorization provided by the affected party or entity (may include but is not limited to: adjacent property owner(s), ditch or canal company, Cache County, or the State Water Engineer's Office.)

**C. Setback Lines for Primary Buildings are:**  
 12.00' on Side Yards; 30.00' on Front Yard; 30.00' on Rear Yard

**D. Agricultural Uses:** Current and future property owners must be aware that they will be subject to the sights, sounds, and smells associated with agricultural activities which are permitted uses in the Agricultural Zone.

**E. Private Road Notes:**  
 1) The private interior road, 4600 South, is not dedicated in Cache County and no maintenance or snow removal will be provided by Cache County.  
 2) The private interior road, 4600 South, shall be used by all lots/parcels in this subdivision for access to the public road.  
 3) All lot owners that have frontage on 4600 South, of this subdivision, are responsible for the construction, maintenance, and removal of snow on the private interior road 4600 South.  
 F. The Agricultural Remainders contain steep slopes that will need to be analyzed, prior to development of those parcels. Lot 5 Contains zero steep slopes.

**Power Pole**  
 Section Corner  
 Found Survey Point  
 Set 3/8" by 24" Rebar  
 With Cap

**ADVANCED LAND SURVEYING**  
 1770 Research Park Way #111  
 Logan Utah 84341  
 (p) 435-779-9585 (f) 435-514-9883  
 www.advancedsl.com



Clinton G. Hansen Date  
 P.L.S. No. 7881387

**CLINTON G. HANSEN**  
 7881387  
 CLINTON G. HANSEN  
 STATE OF UTAH

**Pg 2 of 2**



### Staff Report: CSM Subdivision

1 October 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:** Curtis Maughan

**Parcel ID#:** 11-075-0010, -0024, -0027

**Staff Determination:** Approval with conditions

**Type of Action:** Administrative

**Land Use Authority:** Planning Commission

### Project Location

*Reviewed by Angie Zetterquist*

**Project Address:**

4901 West 4600 South  
Wellsville

**Current Zoning:**

Agricultural (A10)

**Acres:** 30.79

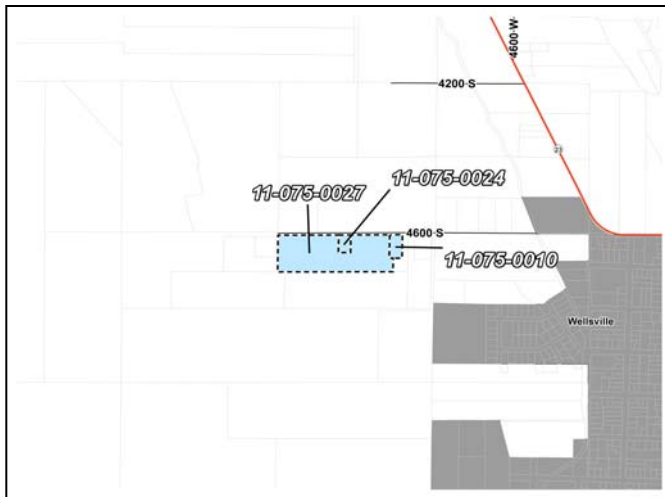
**Surrounding Uses:**

North – Agricultural/Residential

South –Agricultural

East – Agricultural/Residential

West – Agricultural/Residential



### Findings of Fact (19)

**A. Request description**

1. The CSM Subdivision is a request to create a new 2-lot subdivision with an Agricultural Remainder on 30.79 acres in the Agricultural (A10) Zone.
  - a. Lots 1 will be 2.09 acres,
  - b. Lot 2 will be 1.50 acres; and
  - c. The Agricultural Remainder will be 27.2 acres.

**B. Parcel legality**

2. The subject properties are currently part of the North Pine Canyon Ranch Subdivision and are legal parcels. The property owners of the subject properties wish to remove their property from

the existing subdivision and since there are buildable lots a new subdivision must be formed to remove the property from the existing subdivision to comply with the density requirements of the code. No new lots are being proposed.

### **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 place for the two lots with existing homes.
5. §16.04.080 [B] Sewage Requirements – As no new lots are being created as part of this subdivision, septic feasibility letters from the Bear River Health Department are not required for the existing lots as the homes were previously constructed.
6. §16.04.070 Storm Drainage Requirements – The County Engineer reviewed the existing storm water controls for the proposed subdivision and found Lot 1 does not allow for conveyance of storm water to pass along the frontage. A conveyance that meets current standards and approved by the County Engineer must be provided along this frontage prior to recordation. 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 #1 & #2*

### **E. Access**

7. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
8. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
9. §16.04.080 [E] Roads and Access – A basic road review is required and must consider:
  - a. The layout of proposed roads;
  - b. An analysis of existing roadway compliance with the Road Manual requirements;
  - c. Existing maintenance;
  - d. And any additional impacts to the proposed development access roads.
10. The Road Manual specifies the following:
  - a. §2.1-A-4 Rural Road, Table 2.2 Roadway Typical Sections: Roads with up to 30 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and low volumes. This category provides access to farms, other agricultural uses, and dispersed rural residences.
  - a. Table 2.2 Roadway Typical Sections: Rural Roads must meet the minimum standard of two, 10-foot wide paved travel lanes with 2-foot wide gravel shoulders, 14-inches depth of granular borrow, a 6-inches depth of road base, 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 CSM Subdivision is from 4600 South, a county road.
  - b. 4600 South:
    - i. Is an existing county facility that provides access to the general public.
    - ii. Is a dead end road that currently provides access to multiple dwellings, vacant lots, and agricultural parcels.
    - iii. Is classified as a Rural Road.
    - iv. Consists of a 23-foot wide paved surface with 1.5-foot wide paved shoulders and 2-foot wide gravel shoulders.
    - v. Has the required 66-foot wide ROW per the subdivision plat.
    - vi. Is maintained year round.
    - vii. Was reconstructed by the Public Works Department this summer and meets or exceeds current standards. No improvements will be required.
    - viii. Access to both Lots 1 & 2 is substandard and must be brought into compliance with current standards prior to recordation. *See condition #3*

#### **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. Water supply for fire protection will be provided by the Wellsville Fire Department.
13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental did not provide any comments regarding this subdivision request. As with all development, sufficient shoulder space must be provided along the side of the 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, portions of the proposed subdivision are located with the FEMA flood plain and 100-foot buffer area. Any future development in these areas may require the preparation of an elevation certificate prior to issuance of a Zoning Clearance. *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 18 September 2020.
16. Notice was published in the Herald Journal on 19 September 2020.
17. Notices were posted in three public places on 18 September 2020.
18. Notices were mailed to all property owners within 300 feet of the subject property on 18 September 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, the applicant must work with the County Engineer to provide an approved conveyance for storm water control along the frontage of Lot 1. Applicant must provide the Department of Development Services written confirmation from the County Engineer that the work has been reviewed, approved, and completed to the current County standards. (*See D-6*)

2. A Land Disturbance Permit is required for any future development. (*See D-6*)
3. Prior to recordation, the access points from 4600 South to the subdivision must be brought into compliance with current standards. The applicant must work with the Department of Public Works to obtain the required encroachment permits to bring it into compliance. A copy of the encroachment permits and approvals must be provided to the Department of Development Services. (*See E-11-b-viii*)
4. Any future development located within the FEMA floodplain or 100-foot flood plain buffer may require the preparation and approval of an elevation certificate prior to the issuance of a Zoning Clearance. (*See G-14-a*)

## **Conclusions (1)**

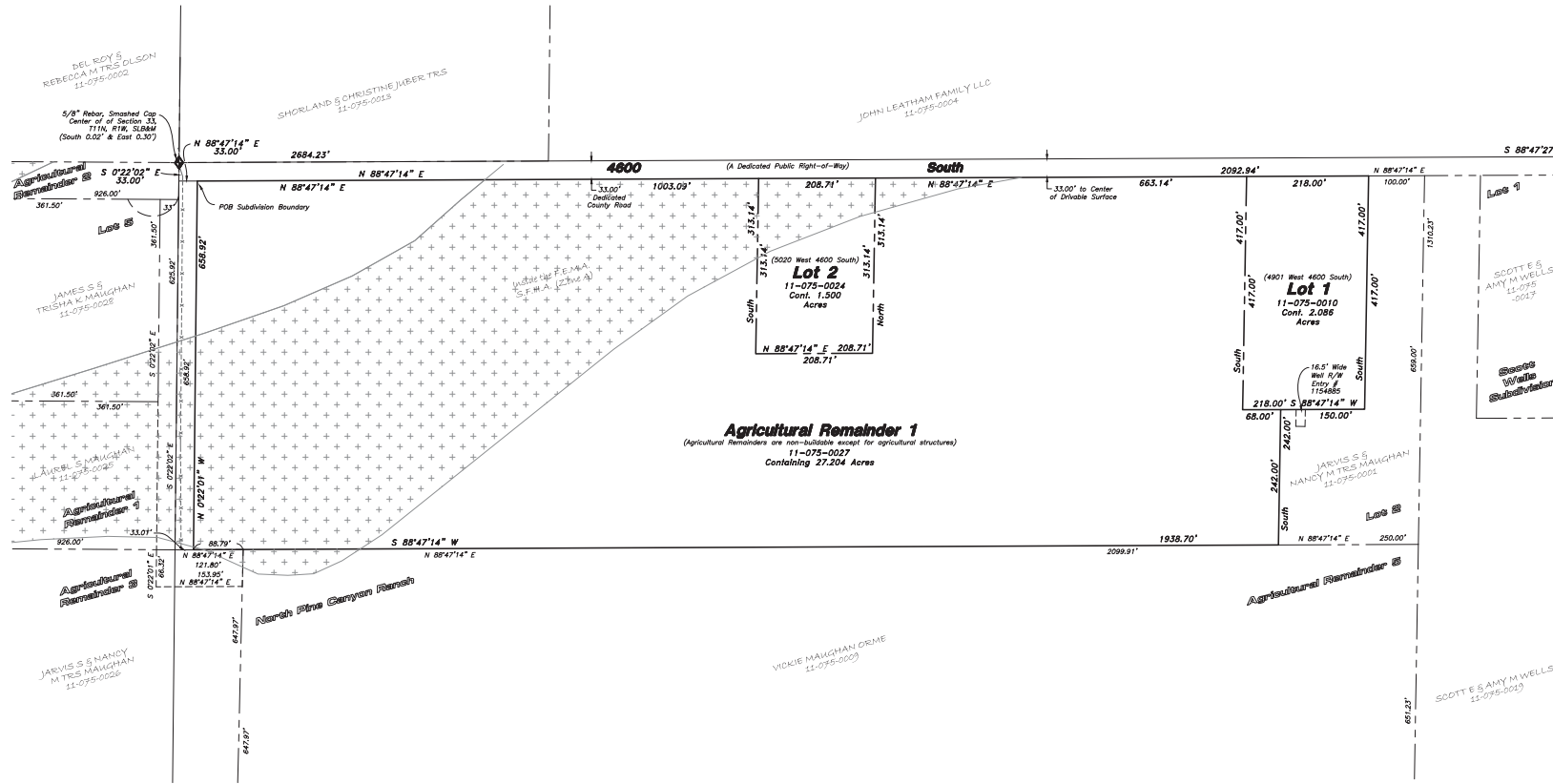
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Based on the findings of fact and conditions noted herein, staff recommends approval of the CSM Subdivision as:

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.

# CSM Subdivision

A Part of the Southeast Quarter of Section 33, Township 11 North, Range 1 West, Salt Lake Base & Meridian, Cache County, Utah



**SURVEYOR'S CERTIFICATE**  
 I, Clinton G. Hansen, do hereby certify that I am a Registered Land Surveyor, and that I hold certificate No. 7881387, as prescribed under the laws of the State of Utah. I further certify that by authority of the owners I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land hereafter to be known as CSM Subdivision and the same had been correctly surveyed and all streets are the dimensions shown.



Clinton G. Hansen Date  
 P.L.S. No. 7881387

**SUBDIVISION BOUNDARY**  
 A Part of the Southeast Quarter of Section 33, Township 11 North, Range 1 West of the Salt Lake Base and Meridian.

Beginning on the South Right-of-Way Line of 4800 South Street at a Point Located 33.00 Feet South 00°22'02" East Along the West Line of said Southeast Quarter and 33.00 Feet North 88°47'14" East from the Northwest Corner of said Southeast Quarter and RUNNING THENCE North 88°47'14" East 2092.94 Feet Along said South Right-of-Way Line; Thence South 417.00 Feet; Thence South 88°47'14" West 150.00 Feet; Thence South 242.00 Feet; Thence South 88°47'14" West 1938.70 Feet; Thence North 00°22'01" West 658.92 Feet to the Point of Beginning, Containing 30.780 Acres

**OWNER'S DEDICATION**  
 Know all men by these presents that we the undersigned owners of the tract of land (Parcel 11-075-0010, 11-075-0024, & 11-075-0027) depicted and described hereon, having caused the same to be subdivided into lots and streets (as herein), the whole to be hereinafter known as the "CSM Subdivision", as depicted hereon and we hereby grant and we hereby set our signatures.

Mathew Maughan Date Claren Maughan Date  
 Curtis S. Maughan Date Maxine B. Maughan Date

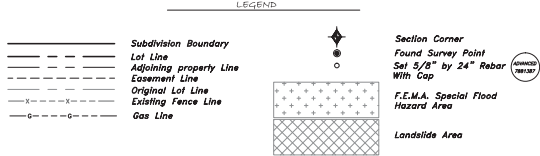
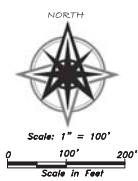
**TRUST ACKNOWLEDGMENT**  
 State of Utah  
 County of \_\_\_\_\_  
 On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
 Curtis S. Maughan & Maxine B. Maughan, Trustees for the Curtis S. Maughan and Maxine B. Maughan Revocable Trust, personally appeared before me, the undersigned notary public in and for said county, in the state of Utah, the signer of the attached owners dedication, who duly acknowledged to me they signed it freely and voluntarily and for the purpose therein mentioned on behalf of said trust.

Notary Public  
 State of Utah  
 County of \_\_\_\_\_  
 On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
 Mathew Maughan and Claren Maughan, husband and wife as joint tenants, personally appeared before me, the undersigned Notary Public in and for said County, in the State of Utah, the signer of the attached Owners Dedication, whom duly acknowledged to me they signed it freely and voluntarily and for the purpose therein mentioned.

Notary Public  
 COUNTY RECORDER  
 State of Utah  
 County of Cache

This plat has been duly acknowledged, certified, and approved and may lawfully be recorded in Cache County, Utah.

Filed and Recorded:  
 Filing No.: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Book: \_\_\_\_\_  
 Page: \_\_\_\_\_  
 Request of: \_\_\_\_\_



**RECORD OWNER'S**  
 Curtis S. & Maxine B. Maughan  
 4901 W 4600 S  
 Wellsville UT 84339  
 435-881-4264

**DEVELOPER**  
 Curtis Maughan  
 4901 W 4600 S  
 Wellsville UT 84339  
 435-881-4264

**Mathew & Claren Maughan**  
 5020 W 4600 S  
 Wellsville UT 84339  
 11-075-0024

**COUNTY ATTORNEY APPROVAL**  
 I certify that I have examined this plat and approve this plat as to form as required by State law and County ordinance.

**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.

**COUNTY COUNCIL APPROVAL**  
 Approved & Accepted by the Cache County Council, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_

**COUNTY PLANNING COMMISSION**  
 This plat recommended for approval by the Cache County Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_

**BEAR RIVER HEALTH DEPARTMENT APPROVAL**  
 This subdivision described in this plat has been approved by the Bear River Health Department on the day of \_\_\_\_\_, 20\_\_\_\_.

**ADVANCED LAND SURVEYING INC**  
 1770 Research Park Way #111  
 Logan Utah 84341  
 (p) 435-770-9585 (f) 435-514-5883  
 www.advancedland.com

Cache County Attorney Date Deputy County Surveyor Date Chairman Attest: County Clerk Chairman Attest: Title: Cache County Recorder



### Staff Report: Butcher Shop Rezone

1 October 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:** Forrest Olsen

**Parcel ID#:** 11-031-0085

**Staff Recommendation:** None

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

### Location

*Reviewed by Angie Zetterquist*

**Project Address:**

~3565 West 2200 South  
Wellsville

**Acres:** 2.27

**Current Zoning:**

Agricultural (A10)

**Proposed Zoning:**

Industrial (I)

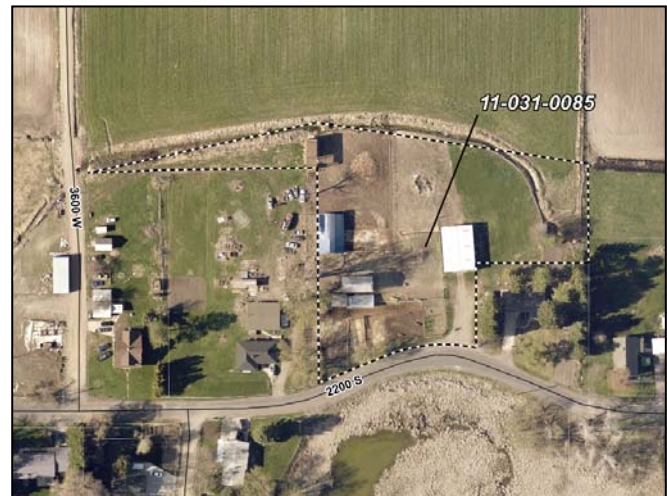
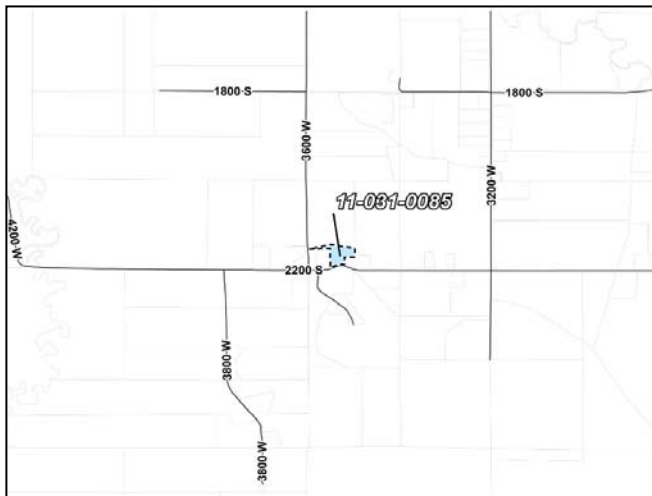
**Surrounding Uses:**

North – Agricultural

South – Agricultural/Residential/Wetlands

East – Agricultural/Residential

West – Agricultural/Residential



### Findings of Fact (18)

#### A. Request description

1. A request to rezone 2.27 acres from the Agricultural (A10) Zone to the Industrial (I) Zone.
2. This rezone may allow the parcel to establish uses permitted in the Industrial (I) 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 Industrial 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 restricted as it is not in the same size and configuration since August 8, 2006. It appears there was an unpermitted division done in 2015 to create the subject property from parcel #'s 11-031-0007 & -0045. Permits cannot issue on restricted parcels, but a rezone can be considered. If the rezone is approved, any future development would have to remedy the unpermitted division to lift the restricted status and move forward with permitting including a Conditional Use Permit for uses considered in the Industrial (I) Zone.
- ii.** The subject property has historically been part of a large farm and contains a number of agricultural structures.
- iii.** The Industrial (I) 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 Agricultural (A10) Zone:
  - General Manufacturing
  - Storage and Warehousing
  - Transport Services
  - Sexually-oriented Businesses
  - Crematorium
  - Commercial Kennels/Animal Shelters
- iv.** Sensitive Areas: The subject property contain sensitive areas that may impact future development (Attachment B).
  - The property is located in a potential liquefaction area. Additional review and analysis may be required for any proposed development in these areas.
  - Wetlands, water bodies, and a FEMA floodplain buffer are located immediately south of the subject property on the other side of 2200 South. A small section of the south side of the subject property is located within the 100-foot floodplain buffer.
- v.** Adjacent uses: The properties adjacent to the subject rezone are primarily residential and agriculture (Attachment A). There are 13 parcels immediately adjacent to the subject property, 6 with a home and 7 without a home. Within ¼ mile buffer of the subject property, there are 19 parcels with a home and 17 parcels without a home. When the buffer is extended to a ½ mile of the subject property, there are 38 parcels with a home and 39 parcels without a home.
- vi.** Annexation Areas: The subject property is located within the Logan City 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 Industrial (I) Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [F] identifies the purpose of the Industrial Zone and includes the following:
  - a.** “To provide locations where manufacturing, processing, warehousing, and fabrication of goods and material can be carried on with minimum conflict or deleterious effect upon the surrounding properties. The purpose of this zone is also to promote the economic well being of the citizens and to broaden the tax base.



- b. 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. Any impacts related to permitted and conditional uses allowed within the Industrial (I) 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. §2.1-A-2 Rural Road, Table 2.2 Roadway Typical Sections: Roads with up to 30 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and low volumes. This category provides access to farms, other agricultural uses, and dispersed rural residences. Gravel or chip & seal road surfacing is typically acceptable.
  - b. Table 2.2 Roadway Typical Sections: Rural roads must meet the minimum standards of an 66-foot-wide right-of-way, two 10-foot-wide travel lanes with 2-foot-wide gravel shoulders. No commercial or industrial development shall be permitted on Rural Roads.
- 9. A basic review of the access to the subject property identifies the following:
  - a. Currently provides access to multiple residential, agricultural, and vacant lots.
  - b. Is considered a dead end road as the only other access is from 3600 West, a dirt road with buildings encroaching on it.
  - c. Is currently classified as a Rural Road.
  - d. Has an average paved width of 20 feet and 2-foot wide gravel shoulders.
  - e. Has an unknown right-of-way width.
  - f. Has year round maintenance provided by the County.
  - g. The geometrics of the roadway adjacent to the subject property are considered substandard with regards to the curve radius for the posted 25 MPH speed limit.
  - h. Commercial or industrial development is not permitted on Rural Roads; significant road improvements may be required for a future industrial use.

**D. Service Provisions:**

- 10. §16.04.080 [C] Fire Control – The County Fire District visited the site and found the fire department access road meets code requirements. Any potential future development will be reviewed and may require improvements depending on location and size. Plans must be submitted to the Fire Department for review and approval prior to construction.
- 11. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental had no comments on the rezone request.

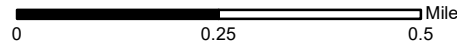
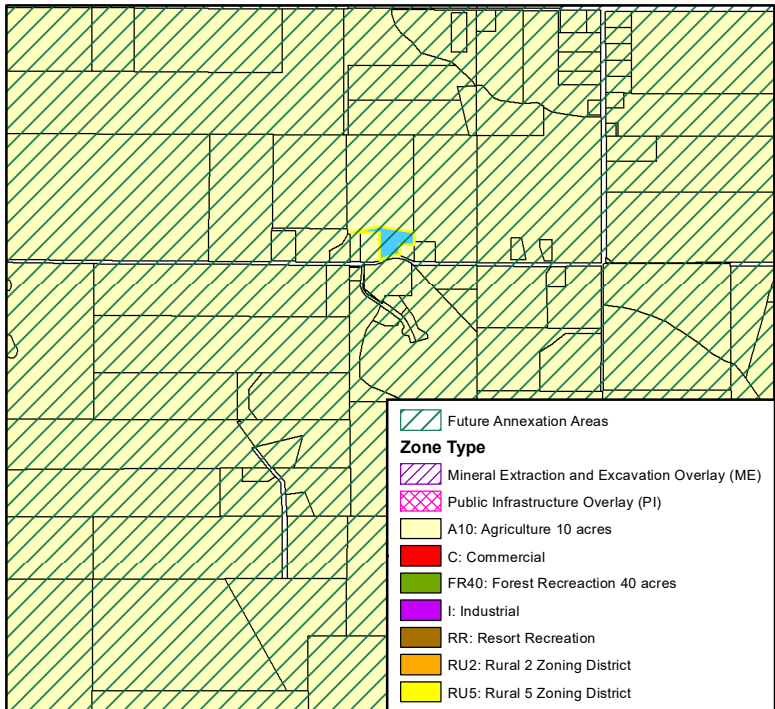
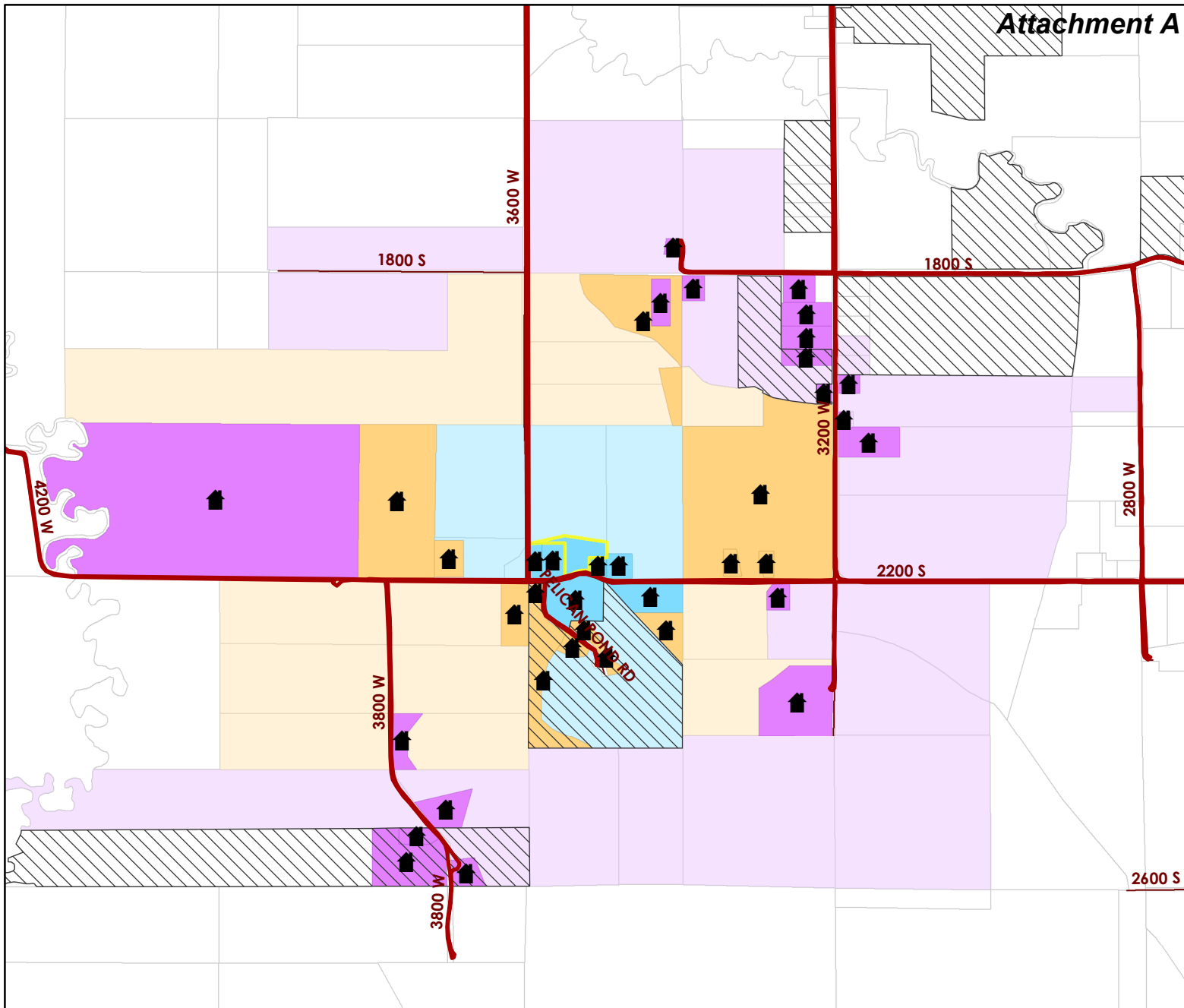
**E. Public Notice and Comment—§17.02.040 Notice of Meetings**

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

## **Staff Conclusion**

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The Butcher Shop Rezone, a request to rezone 2.27 acres from the Agricultural (A10) Zone to the Industrial (I) 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	
<b>Adjacent Parcels</b>	With a Home: 1.8 Acres (6 Parcels)
	Without a Home: 12 Acres (7 Parcels)
<b>1/4 Mile Buffer</b>	With a Home: 5.2 Acres (19 Parcels)
	Without a Home: 18.1 Acres (17 Parcels)
<b>1/2 Mile Buffer</b>	With a Home: 5.5 Acres (38 Parcels)
	Without a Home: 18.5 (39 Parcels)

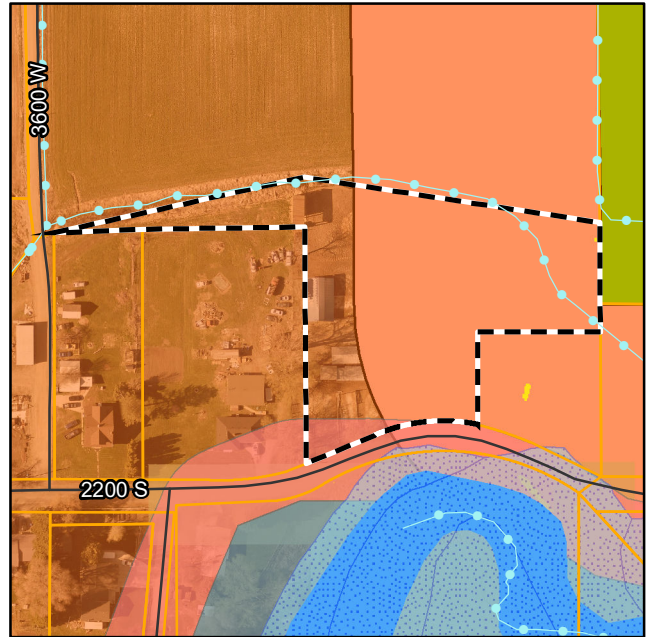


**GIS PARCEL SUMMARY**

*Not Authoritative — For Preliminary Review Only*

*Generated on 25 Sep. 2020 at 11:55 AM*

**Parcel Number:** 11-031-0085  
**Property Address:** (Not Available)  
**Tax Roll Acreage:** 2.27  
**Owner Name:** JB HEREFORDS LLC  
**Owner Address:** 3847 W 2200 S  
 WELLSVILLE, UT 84339-9686  
**Jurisdiction:** Cache County  
**Future Annexation Area:** Logan  
**Base Zone:** A10  
**Overlay Zone:** None



*Comprehensive maps can be found at [www.cachecounty.org/gis](http://www.cachecounty.org/gis)*

**Initial Parcel:** Potentially a **restricted** parcel  
**Legality Review:** Does not appear to match its August 8, 2006 configuration

*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**

- |                     |                          |                             |
|---------------------|--------------------------|-----------------------------|
| Canals              | FEMA Floodplain          | Wildfire Hazard Areas       |
| Encroachment Permit | County Floodplain Buffer | Ag. Protection Areas        |
| Wetlands            | Moderate Slopes          | Ag. Protection Area Buffers |
| Water Bodies        | Liquifaction Potential   |                             |

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.

## **Butcher Shop Rezone**

### **Option 1 – Recommend Approval**

#### **Planning Commission Conclusion**

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Based on the findings of fact noted herein, the BGTS Properties 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 Industrial (I) Zone as identified under §17.08.030[F] of the Cache County Code as it:
  - a. Allows for industrial development in an area with minimal residential development, which may limit conflict or deleterious effects upon surrounding properties.

### **Option 2 – Recommend Denial**

#### **Planning Commission Conclusion**

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Based on the findings of fact noted herein, the BGTS Properties 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 Industrial (I) Zone and will conflict or have deleterious effects upon surrounding properties.
2. County access to the subject property from 2200 South is substandard and does not meet the minimum requirements for a Local Road, which is required for commercial or industrial development. The increase in traffic from an industrial land use on the county road will negatively affect the area and detrimentally impact the present and future use of the land in the interest of promoting the public health, safety, and general welfare of the residents of Cache County.
3. The subject property to be rezoned is more appropriate and consistent with the purposes of the Industrial (I) Zone due to limited access, presence of residential properties and sensitive areas not compatible with development, and will conflict or have deleterious effects upon surrounding properties.



### Staff Report: BGTS Properties Rezone

1 October 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:** Bryan Bostrom

**Parcel ID#:** 01-095-0064

**Staff Recommendation:** None

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

### Location

*Reviewed by Angie Zetterquist*

**Project Address:**

550 West 8700 South  
Paradise

**Acres:** 5.91

**Current Zoning:**

Agricultural (A10)

**Proposed Zoning:**

Commercial (C)

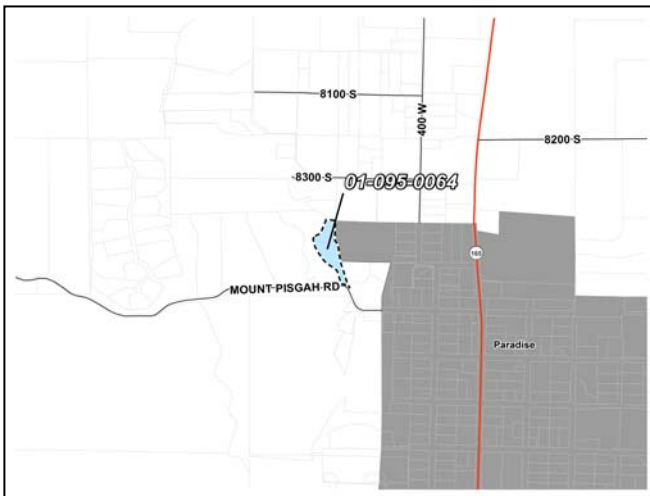
**Surrounding Uses:**

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential/Paradise

West – Agricultural/Residential



### Findings of Fact (18)

#### A. Request description

1. A request to rezone 5.91 acres from the Agricultural (A10) Zone to the Commercial (C) Zone.
2. This rezone may allow the parcel to establish uses permitted in the Commercial (C) 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 Commercial 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.
- ii.** A Conditional Use Permit was approved in 2012 for a residential treatment facility for a maximum of 8 persons residing and receiving treatment at the facility (Attachment C); the applicant is seeking to increase the number of patients to 12. At the time the CUP was approved, residential treatment facilities were allowed with a CUP in the A10 Zone. Currently, residential treatment programs, as licensed by the State, are included under Use Type 3800 Human Care Services and is only allowed with an approved CUP in the Commercial and Resort Recreation Zones. The existing residential treatment facility is considered legal, non-conforming and able to continually operate as approved in 2012. However, any expansion would not be allowed as the use is no longer permitted in the current zone and if the use was abandoned or closed, as defined under the County Code, another facility would not be able to reopen at the same location under the A10 Zone.
- iii.** The Commercial (C) 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 Agricultural (A10) Zone:
  - Agricultural Manufacturing
  - Commercial Business
  - Commercial Kennel/Animal Shelter
  - Self Service Storage Facility
  - General Vehicle Repair
  - Medical Services/Facilities
  - Human Care Services
  - Transient Lodging
  - Restaurant
  - Sexually Oriented Businesses
  - Educational Facility
- iv.** Sensitive Areas: The subject property contain sensitive areas that may impact future development (Attachment B).
  - Portions of the subject property have 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.
  - Landslide potential areas are also located on the eastern portion of the property. 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 residential and agriculture (Attachment A). There is another residential treatment facility operated by the applicant immediately adjacent to the subject property located on the east side of the private access drive, south of the Paradise boundary. Parcels immediately adjacent to the subject property are located both in unincorporated county and Paradise. Of those, 3 parcels have a home and 8 adjacent parcels do not have a home, but there is a platted subdivision immediately east of the site in Paradise. Within ¼ mile buffer of the subject property, there are 30 parcels with a home both in the county and in Paradise and 24 parcels without a home. Within the



½ mile buffer, there are 51 parcels with a home in unincorporated county and 59 parcels with a home in Paradise; and 60 parcels without a home.

- vi. Annexation Areas: The subject property is located within the Paradise 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 Commercial (C) Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [E] identifies the purpose of the Commercial Zone and includes the following:
  - a. “To provide compatible locations for retail, office, and business/commerce activities, to enhance employment opportunities, to encourage the efficient use of land, to enhance property values, and to strengthen the county’s tax base.
  - b. 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. Any impacts related to permitted and conditional uses allowed within the Commercial (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. §2.1-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.
- 9. A basic review of the access to the subject property identifies the following:
  - a. Primary access to the subject property is from Mt. Pisgah Road and a private access driveway.
- 10. Mt. Pisgah Road:
  - a. Is a County facility that provides access to the general public.
  - b. Currently provides access to multiple residential, agricultural, vacant lots, and businesses and provides a through traffic to Hyrum.
  - c. Is classified as a Collector Road.
  - d. Has an average paved width of 22 feet and 3-4-foot wide shoulders; 1-foot paved and 2-3-foot gravel.
  - e. Has an unknown right-of-way.
  - f. Has year round maintenance provided by the County.
  - g. Is considered substandard for right-of-way and shoulder width.

**11. Private Access Drive**

- a. Has an average paved width of 24 feet.
- b. Is privately maintained by the property owner.

**D. Service Provisions:**

- 12. §16.04.080 [C] Fire Control – The County Fire District reviewed the request and stated that fire department access roads will need to be 20 feet wide to all structures in a Commercial Zone. Additionally, an on-site water supply for fire protection is required in all commercial zones.
- 13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental had no comments on the rezone request.

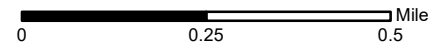
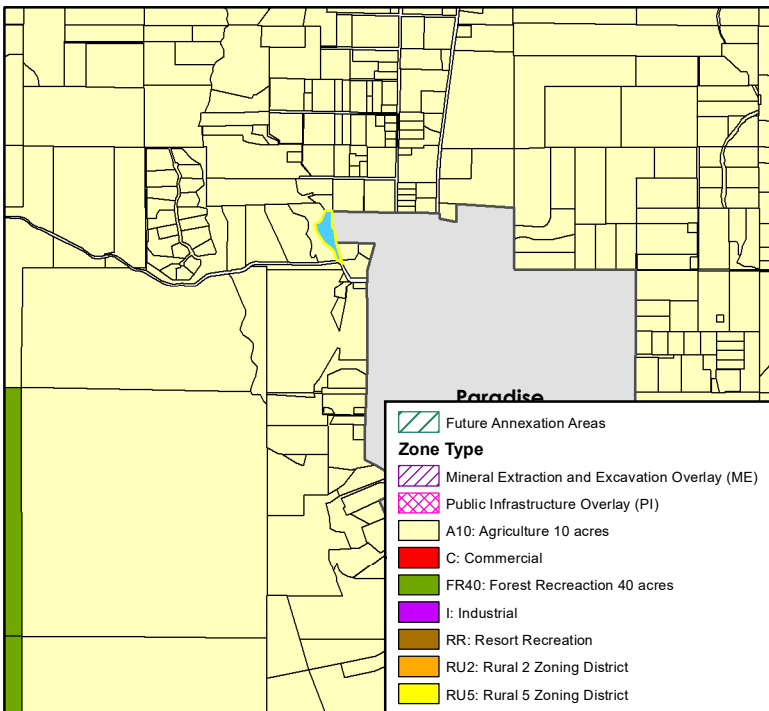
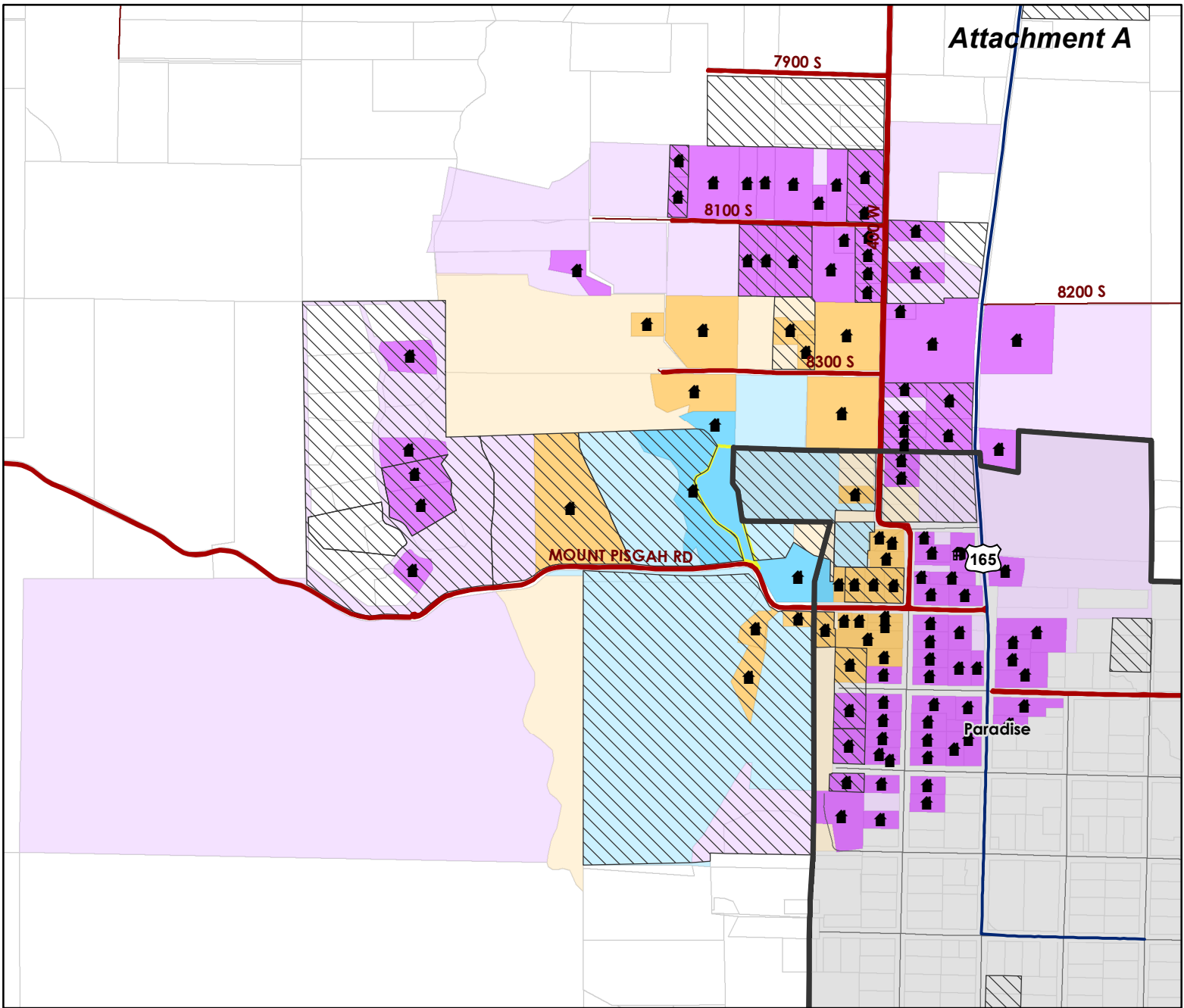
**E. Public Notice and Comment—§17.02.040 Notice of Meetings**

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

**Staff Conclusion**

---

The BGTS Properties Rezone, a request to rezone 5.91 acres from the Agricultural (A10) Zone to the Commercial (C) 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	
<b>Adjacent Parcels</b>	With a Home: 6.9 Acres (3 Parcels)
	Without a Home: 21.3 Acres (7 Parcels)
	Without a Home in Paradise City: 18.9 Acres (1 Parcel)
<b>1/4 Mile Buffer</b>	With a Home: 6.1 Acres (14 Parcels)
	With a Home in Paradise City: 1.1 Acres (16 Parcels)
	Without a Home: 18 Acres (14 Parcels)
<b>1/2 Mile Buffer</b>	Without a Home in Paradise City: 3.2 Acres (10 Parcels)
	With a Home: 3.9 Acres (51 Parcels)
	With a Home in Paradise City: 1.4 Acres (59 Parcels)
	With a Cabin in Paradise City: 1.9 Acres (1 Parcel)
	Without a Home: 19.3 (36 Parcels)
	Without a Home in Paradise City: 4 Acres (24 Parcels)

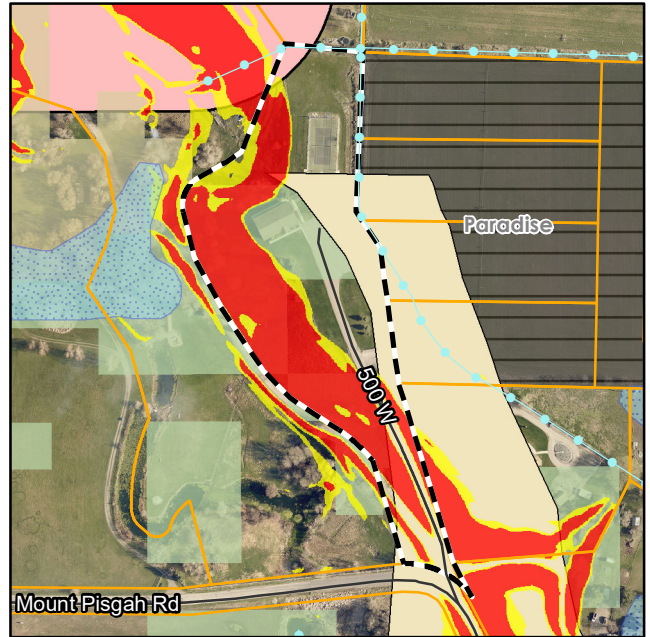


### GIS PARCEL SUMMARY

*Not Authoritative — For Preliminary Review Only*

Generated on 25 Sep. 2020 at 12:11 PM

**Parcel Number:** 01-095-0064  
**Property Address:** 550 W 8700 S  
 PARADISE  
**Tax Roll Acreage:** 5.91  
**Owner Name:** B G T S PROPERTIES LLC  
**Owner Address:** PO BOX 3412  
 LOGAN, UT 84323-3412  
**Jurisdiction:** Cache County  
**Future Annexation Area:** Paradise  
**Base Zone:** A10  
**Overlay Zone:** None



*Comprehensive maps can be found at [www.cachecounty.org/gis](http://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

Canals	Moderate Slopes	Wildfire Hazard Areas
Encroachment Permit	Steep Slopes	Ag. Protection Area Buffers
Wetlands	Landslides	

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.



CACHE COUNTY CORPORATION  
DEVELOPMENT SERVICES DEPARTMENT

JOSH RUNHAAR, AICP  
DIRECTOR / ZONING ADMINISTRATOR  
PAUL BERNTSON  
CHIEF BUILDING OFFICIAL

179 NORTH MAIN, SUITE 305 LOGAN, UTAH 84321 ♦ (435)755-1640 ♦ FAX (435)755-1987

**Conditional Use Permit** (This permit does not give clearance for a Building Permit.)

Receipt # 6395

Ent 1087151 0k 1767 Pg 1214  
Date: 10-May-2013 03:25 PM Fee \$12.00  
Cache County, UT  
Michael Gleed, Rec. - Filed By JA  
For AVALON HILLS HEALTH CARE

LEGAL DESCRIPTION ATTACHED (1)

Purpose

To allow a residential treatment facility for up to 8 persons.

**PROJECT NAME:** Avalon Springs

**APPROVAL DATE:** 13 September 2012

**PROJECT ADDRESS:** 550 West Mt. Pisgah Rd.

**TAX #:** 01-095-0064

**OWNER NAME:** MCW Properties, L.L.C.

**ZONE:** Agricultural (A-10)

**AGENT'S NAME:** Whitney Matson

**ACRES:** 5.91

Conditions of Approval

1. Prior to final plat recordation the proponent shall:
  - a. Meet all applicable standards of the Cache County Ordinance.
  - b. Provide a copy of any and all information submitted to the State for licensure. The applicant must also submit a copy of any and all required State licenses.
2. The applicant must abide by the specifications submitted by the applicant to the Cache County Development Services Office and by all presentations made by the applicant or applicant's representative to the Planning Commission during the permitting process.
3. There shall be no more than eight (8) persons at any one time residing and receiving treatment at this location.
4. Any further expansion or modification of the facility, site, or of the business shall require a review by the Land Use Authority and shall meet the requirements of the Cache County Ordinance including necessary permits.
5. The applicant shall obtain and maintain a current business license.
6. Prior to issuance of a business license the applicant shall meet any requirements of the Cache County Fire District on the private roadway.

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

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

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

\_\_\_\_\_  
Director of Development Services

9/17/2012  
\_\_\_\_\_  
Date



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.

*Wright*

Agent or Property Owner

5/10/2013

Date

STATE OF UTAH )

COUNTY OF CACHE )

Ent 1087151 Bk 1767 Pg 1215

Sworn to and subscribed to before me this

10 day of May, 2013.

*Marsha Dene Giles*  
Notary Public



Legal Description(s)

01-095-0064:

BEG AT NW COR SEC 28 T 10N R 1E & TH N 89\*40'56" W 1357.03 FT TH S 0\*13'14" E 1288.22 FT TH N 88\*10'54" E 323.61 FT TO CL OF LITTLE BEAR RIVER TH N 88\*06'41" E 2040.05 FT TO PT BR S 1181.96 FT & E 1081.73 FT OF NW COR SD SEC 28 TH S 81\*52' E 75.21 FT TH S 53\*12' E 32.86 FT TH S 43\*37'24" E 59.31 FT TH S 3511'58" E 106.04 FT TO TRUE POB  
TH S 83\*52'21" E 152.03 FT TH S 1\*33'35" W 336.09 FT TH S 35\*14'10" E 88.1 FT TH S 8\*46'09" E 287.68 FT TH S 16\*53'35" E 391.76 FT TH S 28\*34'19" E 81.27 FT TO N LN OF MT PISGAH ROAD  
TH ALG N LN OF ROAD 163.95 FT ALG CURVE TO LEFT (R=175.0 FT LC BEARS N 64\*04'37" W 158.02 FT)  
TH N 16\*53'35" W 225.05 FT TO E SIDE OF DIRT ROAD TH N'LY ALG SD ROAD IN 9 COURSES:  
1 96.01 FT ALG CURVE TO LEFT (R=300 FT LC BEARS N 47\*31'57" W 95.6 FT)  
2 N 56\*42'02" W 121.47 FT  
3 N 44823'14" W 79.18  
4 N 34\*05'51" W 149.35 FT  
5 N 28\*05'45" W 129.69 FT  
6 N 13\*22'11" W 96.16 FT  
7 83.95 FT ALG CURVE TO RIGHT (R=65.0 FT LC BEARS N 23\*37'48" E 78.24 FT)  
8 N 60\*37'47" E 65.99 FT  
9 N 56\*58'15" E 39.21 FT TH N 21\*56'51" E 243.02 FT TO TRUE POB SUBJ TO R/W 1 & R/W 2 AS PER SD PLAT CONT 5.91 AC

THIS IS REVISED DESCRIPTION OF SD PARCEL ON PLAT OF PARADISE SPRINGS RANCH LOT SPLIT SUBD FILED 31 DEC 2001 #777823 MAP NO. 2001-1524

# **BGTS Properties Rezone**

## **Option 1 – Recommend Approval**

### **Planning Commission Conclusion**

Based on the findings of fact noted herein, the BGTS Properties 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 Commercial (C) Zone as identified under §17.08.030[E] of the Cache County Code as it:
  - a. Allows for commercial development in an area with minimal residential development, which may limit conflict or deleterious effects upon surrounding properties.

## **Option 2 – Recommend Denial**

### **Planning Commission Conclusion**

Based on the findings of fact noted herein, the BGTS Properties 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 Commercial (C) Zone.
2. County access to the subject properties from Mt. Pisgah Road is substandard and does not meet the minimum requirements for a Collector Road. The increase in traffic from a commercial land use on the county road will negatively affect the area and detrimentally impact the present and future use of the land in the interest of promoting the public health, safety, and general welfare of the residents of Cache County.
3. The subject property to be rezoned is more appropriate and consistent with the purposes of the Agricultural (A10) Zone due to limited access, presence of sensitive areas not compatible with development.

