

Cache County is classified as a high Covid-19 transmission risk per the State's transmission risk index. In conformance with state requirements, no more than 10 people will be allowed in the Council Chambers at one time and social distancing practices will be implemented. Face coverings are required.

Check the County's website for any updates including potentially moving to a virtual-only or hybrid meeting.

5:30 p.m.

Call to order

Opening remarks/Pledge – Jason Watterson

Review and approval of agenda

Review and approval of the minutes of the 1 October 2020 meeting

5:35 p.m.

Consent Items

- 1. Souter Subdivision** – A request to create a new 3-lot subdivision with an agricultural remainder on 30.0 acres located at ~808 South 3200 West, near Logan, in the Agricultural (A10) Zone.
- 2. Creekside Estates Subdivision 1st Amendment** – A request to amend the boundaries of Lots 1, 2, & 3, and create an agricultural remainder in an existing subdivision located at 5625 North 800 West, near Smithfield, in the Agricultural (A10) Zone.
- 3. Richmond Valley Subdivision 4th Amendment – Extension Request** – A request for a 6-month extension of the effective period of approval for a subdivision amendment located at 3200 East 11000 North, near Richmond, in the Forest Recreation (FR40) Zone.

Regular Action Items

- 4. Public Hearing (5:35 PM): Willow Creek Rezone** – A request to rezone 25.55 acres in an existing 5-lot subdivision with an agricultural remainder located at 65 South 600 West, Petersboro, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
- 5. Public Hearing (5:45 PM): Cannabis Production Amendments to Title 17 of the County Code** - Amendments to the Land Use Code to address State requirements regarding cannabis production establishments.
- 6. ~~Old Farm Storage Conditional Use Permit~~** – ~~A request to operate a self-service storage facility (Use Type 3410) on 8.06 acres located at ~1000 North SR 30, near Mendon, in the Commercial (C) Zone.~~ *Withdrawn by applicant, 30 October 2020*

Board Member Reports

Staff reports

Adjourn

PUBLIC PARTICIPATION GUIDE: PLANNING COMMISSION

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

WHEN SPEAKING ON AN AGENDA ITEM

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

When it is your turn to speak:

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

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

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

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

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

LIMITS OF JURISDICTION

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



Planning Commission Minutes

1 October 2020

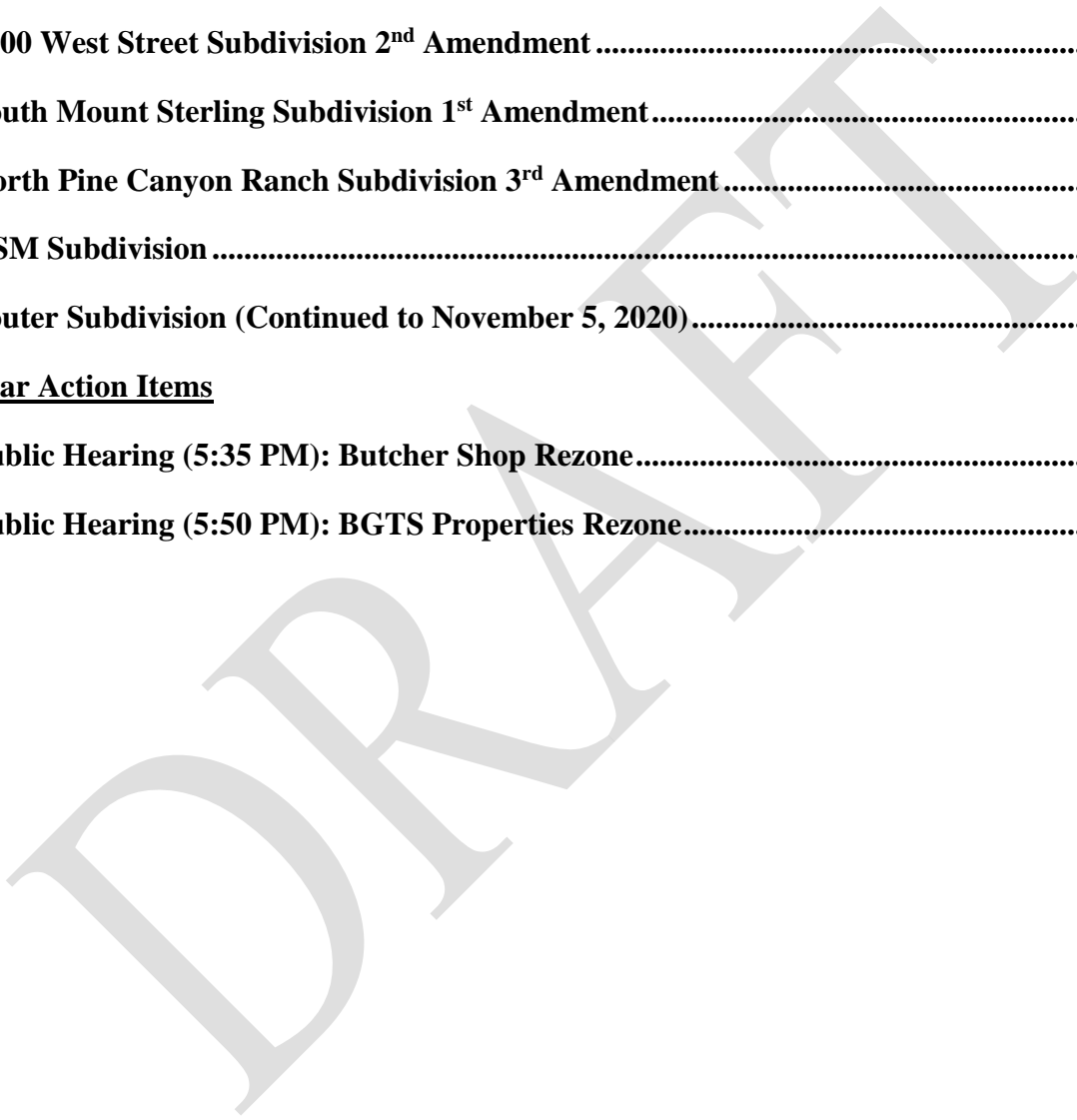
Item **Page**

Consent Items

- 1. 3200 West Street Subdivision 2nd Amendment 2
- 2. South Mount Sterling Subdivision 1st Amendment 2
- 3. North Pine Canyon Ranch Subdivision 3rd Amendment 2
- 4. CSM Subdivision 2
- 5. Souter Subdivision (Continued to November 5, 2020) 2

Regular Action Items

- 6. Public Hearing (5:35 PM): Butcher Shop Rezone 2
- 7. Public Hearing (5:50 PM): BGTS Properties Rezone 5



1 **Present:** Chris Harrild, Angie Zetterquist, Nolan Gunnell, Lane Parker, Chris Sands, Phillip Olsen,
2 Brady Christensen, Matt Phillips

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

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

5 **05:32:00**

6 **Agenda**

7 No changes.

8 **05:34:00**

9 **Minutes**

10 **Parker** motioned to approve the minutes from September 3, 2020; **Olsen** seconded; **Passed 4, 0.**

11 **Christensen** arrived.

12 **05:33:00**

13 **Consent Agenda**

14 **1. 3200 West Street Subdivision 2nd Amendment**

15 **2. South Mount Sterling Subdivision 1st Amendment**

16 **3. North Pine Canyon Ranch Subdivision 3rd Amendment**

17 **4. CSM Subdivision**

18 **5. Souter Subdivision (Continued to November 5, 2020)**

19 **Sands** motioned to approve the consent agenda with the four items as noted; **Olsen** seconded; **Passed 5,**
20 **0.**

21 **05:35:00**

22 **Regular Action Items**

23 **6. Public Hearing (5:35 PM): Butcher Shop Rezone**

24 **Zetterquist** reviewed the staff report for the Butcher Shop Rezone.

25 **Staff** and **Commission** discussed roads and needed improvements

26 **Forrest Olsen** commented on the size of the project and the need for the rezone.

- 1 **Gunnell** asked if Mr. Olsen owned the property.
- 2 **Mr. Olsen** responded no. He would rent the property but own the business.
- 3 **Gunnell** asked why this location and not another.
- 4 **Mr. Olsen** stated the owner of the land felt this was the best location and most municipalities are
5 restricting slaughter house/butchers shops within their limits.
- 6 **Olsen** asked about the homes surrounding the property and how they feel about the project.
- 7 **Mr. Olsen** stated he lives next to this property. This is not a big operation like Miller's but smaller.
- 8 **Olsen** asked how many animals would be killed a day.
- 9 **Mr. Olsen** responded 15 to 20 a week during the busy season. This is not a commercial retail space but is
10 for people raising their own animals for harvesting. This does not fall into the same category as JBS; this
11 is small scale and there should not be much smell. Logan City will provide the dumpster and will come
12 on an on-call basis to empty the dumpster. All the offal will be going to Logan landfill and will not be
13 rendered.
- 14 **Olsen** commented he can see the need but has concerns with all the homes in the residential area.
- 15 **Mr. Olsen** stated the only industrial spot he has seen in the County is in Petersboro. There are concerns
16 with an industrial zone but this will be a small operation. Cattle have been killed on this property for 80
17 years.
- 18 **Gunnell** asked if Mr. Olsen understood the cost for the road improvements and who would bare those
19 costs.
- 20 **Mr. Olsen** stated he would have to talk to the landowner.
- 21 **Gunnell** asked if Mr. Olsen if this was a seasonal based operation.
- 22 **Mr. Olsen** responded no. The busy time is fall but it will be a year round operation.
- 23 **Olsen** asked if Mr. Olsen would be expanding the business over time.
- 24 **Mr. Olsen** commented no he has no plans other than a small business.
- 25 **Parker** asked if the property owner was willing to build the facility.
- 26 **Mr. Olsen** commented there would be a new building and new equipment, improvements so trailers can
27 get in and out easily.
- 28 **Gunnell** expressed concerns with the location of the rezone and the applicant not owning the property.
- 29 **Mr. Olsen** commented that he approached the property owner about what properties he had available for
30 this type of use and this property was identified as the most appropriate for the use.

1 **Parker** commented this area has been used as a feed lot historically.

2 **Mr. Olsen** responded there would be no cattle held for slaughter more than 24 hours, which is a state
3 regulation. As far as smell, cattle have been located here in 80 years and he doesn't think the smell will
4 change much.

5 **Christensen** asked if the shop would be USDA inspected.

6 **Mr. Olsen** stated no; this is a custom product shop and would be non-retail. The shop would not be
7 butchering animals it raises; the only animals butchered would be those brought to the shop by the
8 owners.

9 **Sands** asked if Mr. Olsen was aware that with a recommendation of approval or denial tonight, it would
10 go before the County Council and if approved there was still the conditional use permit process to
11 complete.

12 **Mr. Olsen** responded he understood that and what to find out what would need to be done to the property
13 to complete this project.

14 **Commission, Staff, and Public** discussed the improvement of the road.

15 **05:57:00**

16 *Sands motioned to open the public hearing; Parker seconded; Passed 5, 0.*

17 **Matthew Olsen** commented against the rezone because it does not seem to fit the area, and concerns with
18 chemicals possibly leaking into Pelican Pond.

19 **Parker** asked about the location of Mr. M. Olsen's property.

20 **Mr. M. Olsen** stated he is the property that surrounds the subject property.

21 **Christensen** commented the rezone is the first step but if it was approved the individual use would still
22 have to come back for a conditional use permit. If that butcher shop were to fail, that use would go away
23 but the base zone would stay the same.

24 **Mr. M. Olsen** responded he understood that but he doesn't want an industrial zone next to his home. If
25 this project is really wanted and needed it should be within a city that has an industrial zone already.

26 **Madison** commented against the rezone because it does not seem to fit the area due to the small land
27 size, it being a residential area, and how a slaughter house with affect the wetlands located next to this.

28 **Jay Olsen** commented against the proposed rezone due to possible biological and environmental
29 concerns.

30 **Travis Murray** asked about the road and what possible improvements would be needed?

31 **Christensen** stated it still needs to be evaluated.

- 1 **Mr. Murray** asked if the road would have to be widened.
- 2 **Harrild** stated that is yet to be determined.
- 3 **Mr. Murray** stated that if the road were to be widened it would have to be done on his property.
- 4 **Christensen** stated that all county roads have a right of way to work within.
- 5 **Mr. Murray** stated he agrees the county needs more butcher shops but not right here.
- 6 **06:12:00**
- 7 **Parker** motioned to close the public hearing; **Sands** seconded; **Passed 5, 0.**
- 8 **Commission** discussed the location of the proposed rezone, the precedent it possibly sets for the county,
9 and what could happen if the butcher shop doesn't go forward. There is a need for this type of service in
10 Cache County but maybe not this location.
- 11 **Parker** motioned to continue the item for up to 30 days; **Motioned died due to lack of a second.**
- 12 **Olsen** motioned to recommend denial to the County Council of the Butcher Shop Rezone with the findings
13 of fact and three conclusions; **Sands** seconded; **Passed 5, 0.**
- 14 **7. Public Hearing (5:50 PM): BGTS Properties Rezone**
- 15 **Zetterquist** reviewed the staff report for the BGTS Properties Rezone.
- 16 **Staff** and **Commission** discussed the surrounding property and about the current limitations on number
17 of residents.
- 18 **Bryon Bostrom** commented he is the controller for Avalon Hills. The reason for the commercial rezone
19 is to house more patients and grow the business. The business would like to add 4 more beds; the state
20 will license the facility for 12 beds and currently there are 8 beds.
- 21 **Gunnell** asked if the facility could have more than 12 beds.
- 22 **Mr. Bostrom** commented the other facility in Petersboro is capped at 12 and he expects the state to cap
23 this facility at 12 also.
- 24 **Gunnell** asked what makes that cap and if the house was expanded could more beds be added.
- 25 **Mr. Bostrom** responded potentially but the State makes that decision.
- 26 **Sands** asked if the facility had more space that would accommodate more than 12, is the State unlikely to
27 allow that and would you know why.
- 28 **Mr. Bostrom** responded he didn't know. Most of the property is hillside and is unusable for expansion.
- 29 **Staff** and **Commission** discussed the proposed rezone.

1 **Mr. Bostrom** stated part of the draw for their facilities is the views and peacefulness of the area.

2 **Gunnell** asked about the average stay or turnover.

3 **Mr. Bostrom** stated about 8 months and they try to keep residents as long as treatment is needed and not
4 based on insurance limits.

5 **06:44:00**

6 *Sands motioned to open the public hearing; Parker seconded; Passed 5, 0.*

7 **06: 45:00**

8 *Christensen motioned to close the public hearing; Sands seconded; Passed 5, 0.*

9 **Staff** and **Commission** discussed Paradise's annexation plan and how this rezone could affect it.

10 **Mr. Bostrom** commented that annexation has been looked into and there is not enough frontage for that
11 to be a viable option.

12 **Zetterquist** and **Sands** stated this property is not part of Paradise's annexation plans.

13 **Mr. Bostrom** stated there are only a couple of trips from the facility every week into town and the only
14 other traffic is employees coming to and from work.

15 **Commission members** discussed the addition of 4 beds and the lack of opportunity for expansion due to
16 undevelopable area on the property.

17 *Sands motioned to recommend approval to the County Council of the BGTS Properties Rezone based on*
18 *the findings of fact and the conclusions; Parker seconded; Passed 5, 0.*

19 **06:49:00**

20 **Harrild** informed the **Commission** that the general plan is being updated and showed the **Commission**
21 the imaginecache.com website and went over outreach for that process.

22 **Adjourned.**

Staff Report: Souter Subdivision

5 November 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: Kent Souter

Parcel ID#: 11-002-0009, -0011

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

Project Location

Reviewed by Angie Zetterquist

Project Address:

808 South 3200 West
Young Ward

Current Zoning:

Agricultural (A10)

Acres: 30.0

Surrounding Uses:

North – Agricultural/Residential

South –Agricultural/Residential

East – Agricultural

West – Agricultural/Residential



Findings of Fact (19)

A. Request description

1. The Souter Subdivision is a request to create a new 3-lot subdivision with an Agricultural Remainder on 30.00 acres in the Agricultural (A10) Zone.
 - a. Lots 1, 2, & 3 will each be 0.60 acres; and
 - b. The Agricultural Remainder will be 28.2 acres.
 - c. The boundary line for parcel #11-002-0011 will be adjusted to accommodate Lot 3, but will not be included in the subdivision boundary.

B. Parcel legality

2. Both properties are legal as they are in the same size and configuration since August 8, 2006.

C. Authority

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

D. Culinary water, septic system, and storm water

4. §16.04.080 [A] Water Requirements – Domestic culinary water rights are in process for Lots 2 & 3 (Water Right #25-3522/a35841). Lot 1 has an existing house and water right (#25-2255) Confirmation of approved domestic water rights for Lots 2 & 3 are required prior to recording the plat. *See condition #1*
5. §16.04.080 [B] Sewage Requirements – The applicant has provided a septic feasibility letter for the proposed lots from the Bear River Health Department. The subdivision plat shows that the septic drain fields for Lots 2 & 3 will be located on the Agricultural Remainder with a perpetual easement recorded. Staff confirmed with the Health Department that off-site drain fields are allowed with perpetual easements. The easement must be in place prior to recording the subdivision plat. *See condition #?*
6. §16.04.070 Storm Drainage Requirements – The applicant must work with the County Engineer to ensure the proposed subdivision and future development will meet the State’s Stormwater Retention Standards. Per the State requirements: *By July 1, 2020, new development projects that disturb land greater than or equal to one acre, including projects that are part of a larger common plan of development or sale which collectively disturbs land greater than or equal to one acre must manage rainfall on-site, and prevent the off-site discharge of the precipitation from all rainfall events less than or equal to the 80th percentile rainfall event or a predevelopment hydrologic condition, whichever is less. This objective must be accomplished by the use of practices that are designed, constructed, and maintained to infiltrate, evapotranspire and/or harvest and reuse rainwater. The 80th percentile rainfall event is the event whose precipitation total is greater than or equal to 80 percent of all storm events over a given period of record.* The applicant must provide confirmation to the Development Services Office that the County Engineer has reviewed and approved applicant provided plans for stormwater runoff and retention from the proposed subdivision. All stormwater control (ponds, culverts, etc.) must be maintained by the property owners. A Land Disturbance Permit is required for any future development. *See condition #2*

E. Access

7. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
8. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
9. §16.04.080 [E] Roads and Access – A basic road review is required and must consider:
 - a. The layout of proposed roads;
 - b. An analysis of existing roadway compliance with the Road Manual requirements;
 - c. Existing maintenance;
 - d. And any additional impacts to the proposed development access roads.
10. The Road Manual specifies the following:
 - a. §2.1-A-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.

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

- a. Access to the Souter Subdivision 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 20-foot wide paved surface with 2-foot wide shoulders (1-foot paved, 1-foot gravel).
 - v. Has the required 66-foot wide ROW per the subdivision plat.
 - vi. Is maintained year round.
 - vii. No improvements to the road are required at this time.
 - viii. The existing driveway access to Lot 1 is substandard and must be brought up to current standards. *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 Logan Fire Department.
13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental provides collection service in this area. All residential carts will need to be placed on the west side of 3200 West for Monday collection. Sufficient shoulder space must be provided along the side of this narrow road for all refuse and recycling containers to be placed 3-to-4 feet apart and be far enough off the road so as not to interfere with passing traffic.

G. Sensitive Areas

14. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
 - a. According to the GIS data, there are canals that run along the north, east, and western boundaries of the proposed subdivision. Development in these areas may require additional setbacks and approval from the irrigation/canal companies. *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 23 October 2020.
16. Notice was published in the Herald Journal on 27 October 2020.
17. Notices were posted in three public places on 23 October 2020.
18. Notices were mailed to all property owners within 300 feet of the subject property on 23 October 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 recording the plat, confirmation of an approved domestic water right for Lots 2 & 3 must be provided to the Department of Development Services. (*See D-4*)
2. Prior to recording the plat, the application must provide information to the County Engineer describing how stormwater runoff and retention from the proposed subdivision will be handled. All stormwater control (ponds, culverts, etc.) must be maintained by the property owners. The applicant must provide a copy of the written approval for the stormwater plan from the County Engineer to the Department of Development Services. A Land Disturbance Permit is required for any future development. (*See D-6*)
3. Prior to recording the plat, the access off of 3200 West for Lot 1 must be brought into compliance with current County Road Manual standards. The applicant must work with the Department of Public Works to obtain the required encroachment permitting to bring it into compliance. A copy of any encroachment permits and approvals must be provided to the Department of Development Services. (*See E-11-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-14*)

Conclusions (1)

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

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

Staff Report: Creekside Estates Subdivision 1st Amendment

5 November 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: Andy Rasmussen

Parcel ID#: 08-215-0001, -0002, -0003

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

Project Location

Reviewed by Angie Zetterquist

Project Address:

5625 North 800 West
Smithfield

Current Zoning:

Agricultural (A10)

Acres: 13.99

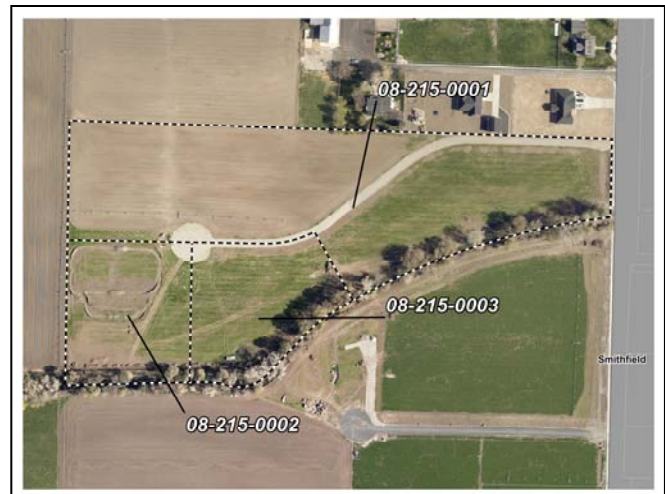
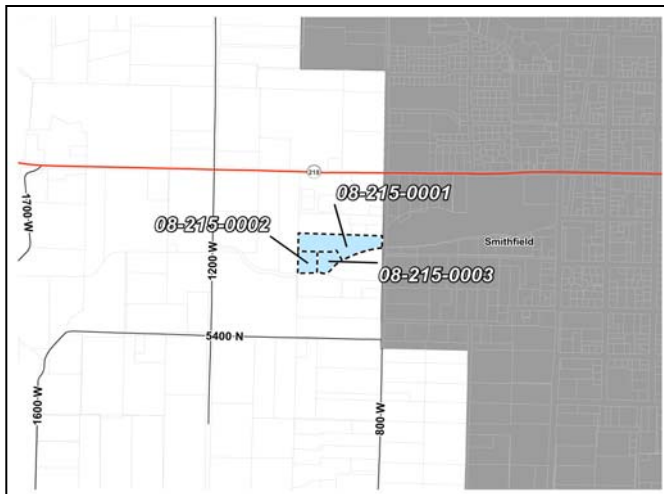
Surrounding Uses:

North – Agricultural/Residential

South –Agricultural/Residential

East –Residential/Smithfield City

West – Agricultural



Findings of Fact (18)

A. Request description

1. The Creekside Estates Subdivision 1st Amendment is a request to change the boundaries of Lots 1, 2, & 3 of the existing 7-lot subdivision and create an agricultural remainder. This amendment will involve a total of 13.99 acres in the Agricultural (A10) Zone.
 - a. Lot 1 will decrease from 8.99 acres to 2.45 acres;
 - b. Lot 2 will decrease from 2.50 acres to 2.45 acres;
 - c. Lot 3 will increase from 2.50 acres to 2.95 acres; and
 - d. The Agricultural Remainder will be 6.14 acres.

B. Parcel legality

2. The subject properties in the subdivision are legal and conform to the approved subdivision plat.

C. Authority

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

D. Culinary water, septic system, and storm water

4. §16.04.080 [A] Water Requirements – As no new 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 letters from the Bear River Health Department are not required for the existing lots.
6. §16.04.070 Storm Drainage Requirements – Compliance with State Stormwater Detention must be met. Applicant must provide the County Engineer information, for his review and approval, regarding how increased storm water runoff from the subdivision will be controlled onsite. All storm water structures, if any, and controls (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. A basic review of the access to the existing parcels identifies the following:
 - a. The existing subdivision has frontage along 800 West. The three amended lots and the new agricultural remainder are accessed from a private road from 800 West.
 - b. 800 West:
 - i. Is a Smithfield City road that provides access to the general public and is under the jurisdiction of Smithfield City.
 - ii. Per §5.6(A) of the Road Manual, no development within the unincorporated County shall be permitted to utilize a roadway for direct access that is under the jurisdiction of a municipality without express written approval from the affected municipality.
 - iii. At the time of the original subdivision approval, the applicant and Smithfield City came to an agreement regarding access from 800 West so long as the applicant made required road improvements. Those improvements were completed prior to the recordation of the original subdivision plat.
 - c. Private roads:
 - i. There are two private roads that provide access to 6 lots of the 7 lots of the subdivision.
 - ii. The north private road provides access to the subject properties;
 - iii. The south private road provides access to Lots 4, 5, & 7; and
 - iv. Lot 6 takes access directly from 800 West.

- v. The previously approved subdivision plat had a 25-foot wide easement for the north private access road from 800 West. The subdivision amendment proposes to expand the north private road to 66 feet wide. *See condition #3*
- vi. Table 2.2 – Roadway Typical Sections of the Road Manual allows private roads to provide access for a maximum of 30 average daily trips, which equates to a maximum of three single-family residences at 10 ADT each.
- vii. The originally submitted subdivision amendment plat shows the private road extending north beyond the subdivision boundary and continuing into the adjacent property. Private roads are not permitted to extend beyond the subdivision boundary and cannot divide the agricultural remainder. This unpermitted extension must be removed from the plat and the private road must terminate at the turnaround in the subdivision as originally approved. *See condition #4*
- viii. The private road must meet all requirements of the Fire Department and the Road Manual. *See condition #3*

F. Service Provision

- 11. §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.
- 12. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental has identified that collection for the subdivision will occur on 800 West for Friday collection; no collection services will be provided on the private roads. Sufficient space must be provided along 800 West for the refuse and recycling containers to be 3-to-4 feet apart and be placed far enough off the road so as not to interfere with passing traffic.

G. Sensitive Areas

- 13. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
 - a. Summit Creek and an irrigation canal owned by the Smithfield Irrigation Company runs through the middle of the proposed subdivision. Development is not permitted adjacent to waterways and additional setbacks are required. An easement must be provided along the creek to allow for County maintenance. *See condition #5*
 - b. FEMA FIRM Floodplain and floodplain buffer has been identified on portions of the proposed subdivision. Any future development must meet current Code requirements.
 - c. The properties are located within the Airport Influence Area. Disclosure of airport proximity to future property owners is required per §17.17.060 Schedule of Uses. *See condition #6*

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

- 14. Public notice was posted online to the Utah Public Notice Website on 23 October 2020.
- 15. Notice was published in the Herald Journal on 27 October 2020.
- 16. Notices were posted in three public places on 23 October 2020.
- 17. Notices were mailed to all property owners within 300 feet of the subject property and to Smithfield City on 23 October 2020.
- 18. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

Conditions (6)

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, if the applicant maintains the 66-foot access easement for the north private road that provides access to Lots 1, 2, & 3, as well as the new agricultural remainder from 800 West, the applicant must provide confirmation from Smithfield City that the widening of the access off of 800 West is approved and that any improvements required to widen the access off of 800 West have been approved by Smithfield City and completed by the applicant. Further, the applicant must work with the County Public Works Department and Fire Department to determine if any improvements will be required to the private road based on the widening of the access easement. The applicant must provide all written confirmation, including permits and approvals, to the Development Services Department from Smithfield City, the County Public Works Department, and the County Fire Department prior to the plat being recorded. *(See E-10-c-v, E-10-c-viii)*
4. Prior to recording the plat, the subdivision plat must be revised to remove the unpermitted extension of the private road that provides access to the amended lots and the agricultural remainder. The private road must terminate at the turnaround as previously approved. *(see E-10-c-vii)*
5. Prior to recording the plat, the applicant must include an easement, the width to be determined by the County Engineer, along Summit Creek to allow the County to access the creek for any future maintenance. *(See G-13-a)*
6. The applicant must disclose to future property owners that the subdivision is located within the Airport Influence Area. *(See G-13-c)*

Conclusions (1)

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

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

Memorandum

5 November 2020

To: Planning Commission

Subject: 6-month time extension request for the proposed Richmond Valley Subdivision 4th Amd.

A request has been made by Steven Shepherd, agent for the Richmond Valley Subdivision 4th Amendment, for a 6-month extension of the effective period of approval for the subdivision amendment allowing a boundary line adjustment between Lots 1 & 6 (Attachment A).

The subdivision amendment was approved by the Planning Commission on 7 November 2019. The effective approval date for a subdivision approval is one year; subsequently, the current expiration date for the approval is 7 November 2020. If the subdivision plat is not recorded by the expiration date, the approval is void and the file closed.

Before a subdivision plat can be recorded, all conditions of approval must be met or, as necessary, an improvement agreement for required infrastructure must be in place. As of this date, the applicant has completed the conditions of approval. However, one of the conditions of approval required that the Cherry Peak Ski Area Conditional Use Permit (CUP) be amended to reflect the new boundaries of the subdivision amendment and that both the CUP and the subdivision amendment must be recorded at the same time. Due to the logistics of coordinating property owners and agent signatures to record both at the same time, the agent has requested the extension before the approval expires on the subdivision amendment.

Section 17.02.050, Effective Period of Land Use Authority Approval, allows an approval of an administrative land use decision to be extended up to six (6) months at the discretion of the land use authority (§17.02.050(F)). Title 17.02 identifies the land use authority for subdivision approvals as the Planning Commission in Section 17.02.030, Establishing Land Use Authority Duties, Authorities, and Powers. Consequently, the Planning Commission is the land use authority with the power to consider this extension request.

Section 17.02.050(F)(2), specifies that the applicant bears the burden of proving the conditions justifying an extension have been met and the land use authority may approve an extension request only if:

- “a. The reason for the request is not economic.
- b. The applicant has shown a clear pattern of working to record the plat or permit throughout the entirety of the approval period.”

The submitted request for a time extension provides the following reasoning:

1. The extension request is not economic and the applicant has shown a clear pattern of working to the record the plat through the entirety of the approval period.

Staff recommends that the Planning Commission approve this request to extend the effective date of approval to **7 May 2021**, the full 6-month time extension allowed per code, as:

1. There are no remaining conditions of approval to satisfy, the request for a time extension complies with the requirements of §17.02.050(F), and the applicant has shown a clear pattern of working to record the subdivision and CUP.

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

received
9/18/20
cc
#14357

To Whom It May Concern:

In October 2019, Richmond Valley, LLC submitted the Richmond Valley Subdivision 4th Amendment requesting to adjust the boundary lines between Lots 1 & 6 of the existing 6-lot subdivision. This amendment must be recorded no later than November 7, 2020. As you are aware, we were able to satisfy all but the first condition of the amendment last year wish required us to amend the boundary of the Cherry Peak Ski Area CUP. In order to satisfy the first condition we submitted the Cherry Peak Ski Area 2nd Amendment which was approved by your department on September 3, 2020.

We are working diligently to comply with the conditions of the 2nd CUP amendment in order to simultaneously record the 4th subdivision and 2nd CUP amendments as soon as possible. At this time, we are requesting a six (6) month extension of the effective period of the Richmond Valley Subdivision 4th Amendment in order to ensure we have adequate time to comply with the conditions of the 2nd CUP amendment.

According to Cache County Code 17.02.050, at the discretion of the Land Use Authority, the effective period of for a subdivision amendment's approval may be extended for up to six (6) months beyond the one year period of the original approval if 1.) the reason for the extension is not economic, and 2.) the applicant has shown a clear pattern of working to record the plat or permit throughout the entirety of the approval period.

Our reasons for requesting the extension are not economic and we have shown a clear pattern of working to record the plat throughout the entirety of the approval period. Therefore, we meet the requirements to request the extension.

Please forward all correspondence in this matter to my agent Steven Shepherd.
Steven Shepherd, 1541 E 320 N, Spanish Fork, UT 84660, 808-255-7220, Steven@RichmondValley.com

If possible, we would also like to request an email copy of any correspondence.

Sincerely,

Date: 9/18/2020

Mark D Hall / Member Manager
Richmond Valley, LLC
133 E 745 S, Smithfield, UT 84335
mdhall@sure-fi.com, 801-362-9571

Staff Report: Willow Creek Rezone

5 November 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: Jennifer Felton

Parcel ID#: 12-036-0041, -0051, -0052

Staff Recommendation: None

-0053, -0054, -0055

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Angie Zetterquist

Project Address:
65 South 6000 West
Petersboro

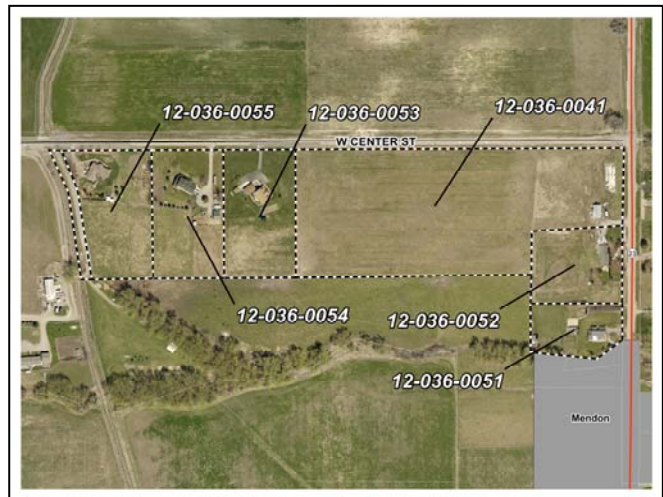
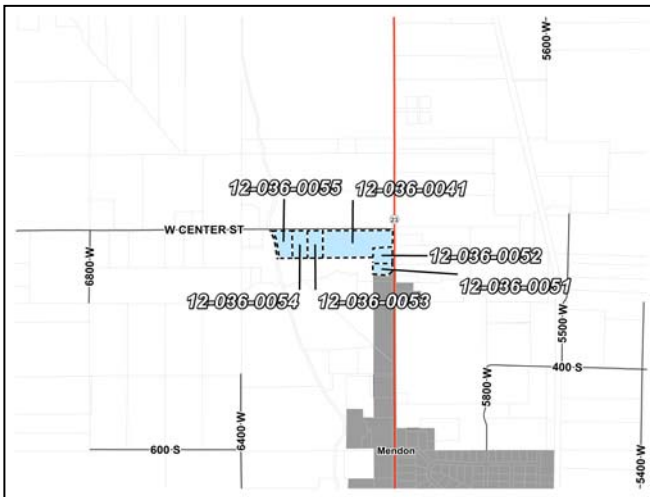
Acres: 25.55

Surrounding Uses:

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

Current Zoning:
Agricultural (A10)

Proposed Zoning:
Rural 2 (RU2)



FINDINGS OF FACT (16)

A. Request description

1. A request to rezone 25.55 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone. The subject properties are all located within the Willow Creek Subdivision.
2. This rezone may allow the parcel to be legally divided into a maximum of 12 separate lots as part of a subdivision process.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text:

a. Land Use Context:

i. Parcel status: The subject properties are legal and comprise the Willow Creek Subdivision. The Willow Creek Subdivision was approved through the Conditional Use Permit process as a 5-lot minor subdivision with a remainder parcel by County Council in April 1996. One of the conditions of approval that was included on the recorded subdivision plat as Note #5: “These lots cannot be divided further.” With a total of 25.55 acres in the subdivision, the 1996 approval allowed for a density of 1 lot for every 5 acres. Under the current density requirements of the Agricultural (A10) Zone, the maximum number of lots that could be developed today on 25.55 acres is 2 lots.

ii. Average Lot Size: The six subject properties have five homes on 25.55 acres. There are 12 parcels immediately adjacent to the subject properties in unincorporated County with a home and 2 adjacent parcels in Mendon City with a home; the average lot size of these parcels is 3.5 acres. Additionally, there are 10 adjacent parcels without a home; the 9 parcels without a home in unincorporated County have an average size of 16.5 acres and the one adjacent parcel in Mendon City without a home is 0.26 acres.

Within a ¼ mile buffer of the proposed rezone, there are 21 parcels in unincorporated County with a home and an average size of 7 acres. In the ¼ mile buffer area, there are 4 parcels in Mendon City with a home and an average size of 2.9 acres. Parcels without a home in the ¼ buffer area have an average size of 18.2 acres (19 parcels) in unincorporated County and 3.2 acres in Mendon (2 parcels).

When the buffer is expanded to ½ mile of the proposed rezone: parcels with a home in the County average 7.1 acres (36 parcels) and 3.4 acres in Mendon (6 parcels). There are 43 parcels without a home in the County within ½ mile of the proposed rezone averaging 20.5 acres and 4 parcels in Mendon without a home with an average size of 3.6 acres. (Attachment A)

The proposed RU2 zone allows a maximum density of 1 lot for every 2 acres, whereas the current A10 zone allows a maximum density of 1 lot for every 10 acres. With approximately 25.55 acres of property, the subject properties would be allowed up to a maximum of 2 lots under the current A10 Zone standards, but were approved for 5 lots per the 1996 approval. A rezone to RU2 may allow up to 12 buildable lots.

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

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

iv. Adjacent uses: The properties adjacent to the subject rezone are primarily used for agriculture and single family dwellings and the boundary of Mendon City lies along the southern boundary of the proposed rezone boundary.

- v. **Annexation Areas:** The subject property is located within the Mendon City future annexation area. In May 2016, the property owner for parcels #'s 12-036-0052 & -0041 submitted an annexation application and petition to Mendon City. However, at the conclusion of the public hearing, there was no recommendation made and the request was not presented to the City Council. The applicant provided a letter from Mendon City dated July 19, 2018 (Attachment B) that indicated at the time of the annexation application and the date of the letter that a moratorium was in place restricting new construction and that Mendon City did not have the ability to provide water to the properties. The applicant did not provide an updated letter from the City regarding annexation.
- vi. **Zone Placement:** As identified by the Planning Commission and the County Council at the time the RU2 Zone was adopted, the intended/anticipated placement of this zone was in areas of the unincorporated county adjacent to municipalities. The Mendon City boundary, at its closest point, is immediately adjacent to the subject rezone boundary on the south.
The nearest RU2 zone is approximately 2.8 miles southeast of the subject property by the most direct road route. This RU2 zone was approved as the Mountain View Meadow Rezone in November 2018. The rezone was for a 6.29 acre parcel located on 2000 South, a maintained County road that required minimal improvements when the 3-lot subdivision was approved in February 2019. The next closest RU2 Zone is the 29-lot High Country Estates Subdivision that was approved in 2012 off of Highway 30 and along the Box Elder County boundary.

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

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

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

- 7. The Road Manual specifies the following:
 - a. §2.1-A-4 Rural Road, Table 2.2 Roadway Typical Sections: Roads with up to 30 ADT. This includes roadways that have the capacity for moderate to low speeds and low volumes. This category provides access to farms, other agricultural uses, and dispersed rural residences. Gravel or chip & seal road surfacing is typically acceptable and must

meet the minimum standard of two, 10' wide gravel travel lanes with 2' wide gravel shoulders (24' total width), 14" depth of granular borrow, a 6" depth of road base, and chip-seal requirements as applicable

- b. §2.1-A-3 Local Road, Table 2.2 Roadway Typical Sections: Roads with approximately 40 to 1500 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.
 - c. Local Roads must meet the minimum standard of two, 10-foot wide paved travel lanes with 2-foot wide shoulders: 1-foot paved, 1-foot gravel (24 feet total width), 14-inches depth of granular borrow, a 6-inches depth of road base, 2.5-inches of bituminous surface course (asphalt), and a 66-foot wide right-of-way (ROW).
8. A basic review of the access to the subject property identifies the following:
- a. Primary access to the subject properties is from Center Street, a County road, and SR-23, a UDOT facility.
9. Center Street:
- a. Is an existing county facility that provides access to multiple dwellings, agricultural uses, and vacant lots.
 - b. Is classified as a Local Road.
 - c. Consists of an average width of 20 feet with a paved surface and a 1-foot paved shoulder.
 - d. Is substandard as to shoulder width and clear zone.
 - e. Is maintained year round by the County.

D. Service Provisions:

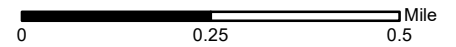
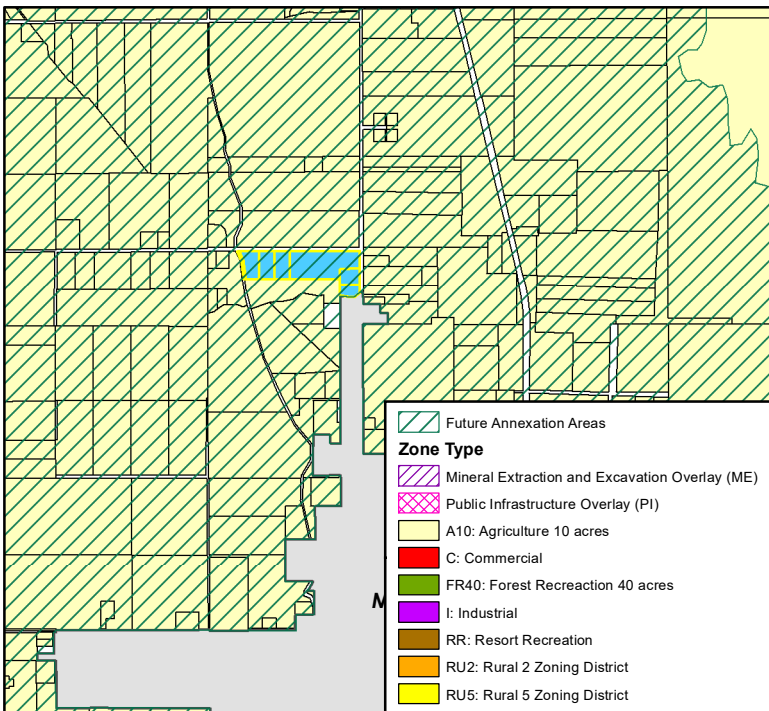
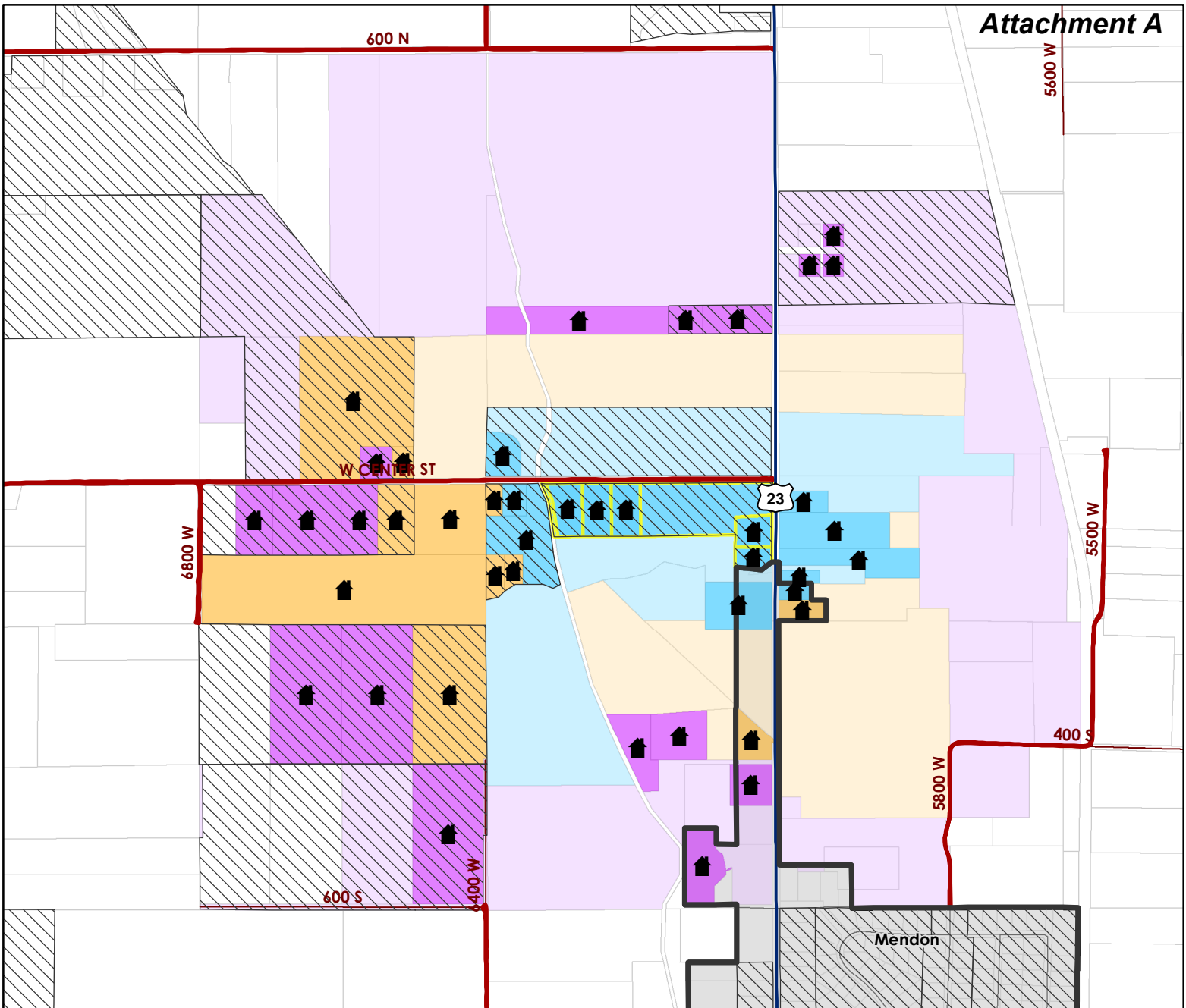
- 10. §16.04.080 [C] Fire Control – The County Fire District had no comments on the rezone. Future access must be reevaluated and may require improvements based on the location of any proposed structure on lots created through a subdivision process.
- 11. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental provides refuse collection in this area. Residential carts must be placed on the north side of Center Street for Monday collection. Sufficient shoulder space must be provided along the side of this narrow road for all containers to be placed 3-to-4 feet apart and to be far enough off the road so as not to interfere with passing traffic.

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

- 12. Public notice was posted online to the Utah Public Notice Website on 23 October 2020.
- 13. Notice was published in the Herald Journal on 27 October 2020.
- 14. Notices were posted in three public places on 23 October 2020.
- 15. Notices were mailed to all property owners within 300 feet and Mendon City on 23 October 2020.
- 16. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONCLUSION

The Willow Creek Rezone, a request to rezone 25.55 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. Staff has not made a recommendation on this request and can assist the Planning Commission in drafting a recommendation based on the findings of fact identified above and any others identified at the public hearing.



Legend

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

Average Parcel Size	
Adjacent Parcels	With a Home: 3.5 Acres (12 Parcels)
	With a Home in Mendon City: 3.5 Acres (2 Parcels)
	Without a Home: 16.5 Acres (9 Parcels)
1/4 Mile Buffer	With a Home: 7 Acres (21 Parcels)
	With a Home in Mendon City: 2.9 Acres (4 Parcels)
	Without a Home: 18.2 Acres (19 Parcels)
1/2 Mile Buffer	With a Home: 7.1 Acres (36 Parcels)
	With a Home in Mendon City: 3.4 Acres (6 Parcels)
	Without a Home: 20.5 (43 Parcels)
	Without a Home in Mendon City: 3.6 Acres (4 Parcels)



Willow Creek Rezone

Option 1 – Recommend Approval

Planning Commission Conclusion

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

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

Option 2 – Recommend Denial

Planning Commission Conclusion

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

1. The RU2 Zone is incompatible with the surrounding properties and pattern of development.
2. Services to public utilities is not sufficient to support a higher density development at this location adjacent to Mendon City.
3. Issues with infrastructure would be better addressed as part of a Mendon City development through annexation.

**Amendments to 17.07
Definitions**

Add new use type & definitions

17.07.030 Use Related Definitions:

6150 Cannabis Production Establishment – A facility that grows cannabis and holds a valid state license to do so in accordance with Title 4-41a, Utah Code Annotated. See County Code Section 17.10.050(E), Supplemental Standards for the Cannabis Production Establishment (CP) Overlay Zone for additional requirements.

17.07.040 General Definitions

Cannabis - As defined under State Code.

**Amendments to 17.08
Zoning Districts Established**

Add new Overlay Zone & Purpose

17.08.040: Overlay Zoning Districts Established:

The following are the overlay zoning districts:

Mineral Extraction and Excavation Overlay (ME)

Public Infrastructure Overlay (PI)

Cannabis Production Establishment Overlay (CP)

17.08.050: Purpose of Overlay Zoning Districts

C. Cannabis Production Establishment Overlay (CP)

1. To allow cannabis operations as licensed and permitted by the State of Utah within enclosed structures with reasonable separation from residential and other incompatible land uses. This overlay creates supplemental standards for Cannabis Production Establishments, ensuring compatibility with surrounding land uses.
2. This overlay is only applicable to properties in the Agricultural and Industrial zones that meet the required spacing and buffering requirements as set forth by State Code for Cannabis Production Establishments, and the supplemental standards of this overlay zone under Section 17.10.050(E) of this code.
3. This overlay zone cannot abut or adjoin a primarily residential zoning district or a subdivision in the A10 Zone. This overlay zone may be applied to areas of the county where impacts due to the use may be mitigated. Preferred locations include those with existing agricultural or industrial type uses that include similar negative impacts such as odor, noise, and traffic.
4. The standards and processes of the base or underlying zone apply in addition to the overlay zone requirements unless the base zone standards are specifically superseded by the overlay zone standards.

Add new Supplemental Standards

17.10.050: Supplemental Standards:

E. Supplemental development standards specific to the Cannabis Production Establishment (CP) Overlay Zoning District are as follows:

1. A Cannabis Production Establishment must be licensed and permitted by the State of Utah.
2. In a CP overlay zone with an Agricultural (A10) base zoning district, the following standards shall apply to the cannabis production establishment:
 - a. The minimum lot area required is 10 acres.
3. Cannabis Production Establishments must be located inside an enclosed permitted structure on a permanent foundation.
4. Enclosed structures must use an air filtration and ventilation system with odor mitigation technology (such as activated carbon filtration and electrostatic precipitation or negative ion generation) to prevent odors generated from the facility from escaping onto neighboring properties, such that the odor cannot be reasonably detected by a person of normal sensitivity at the property line.

Cannabis Production Establishment Overlay Zone Analysis


 Cannabis Production Overlay

Conditions:







These parcels reflect areas that are:

- In the A10 or Industrial Zones
- Minimum lot size of 10 acres in the A10 zone
- Minimum lot size of 1 acre in the Industrial Zone
- Not within 1,000 ft of a "Community Location"
- Not within 600 ft of a district zoned primarily residential (RU2, RU5 and city residential zones)
- Not within 600 ft of an existing subdivision
- Lots zoned A10 must be included in an Agricultural Protection Zone
- Any lot that included wetlands according To the US Fish & Wildlife Service was removed

 Highways

 County Roads

Zoning

-  A10
-  C
-  FR40
-  I
-  RR
-  RU2
-  RU5



11/2/2020

