



4:45 p.m.

Workshop & Light Refreshments in the County Council Conference Room

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 7 October 2021 meeting

5:35 p.m.

Regular Action Items

1. **Creekside Estates Subdivision 1st Amendment** – A request to create 8 new lots (#8-15) and amend the boundaries of Lots 1-6 in an existing 7-lot subdivision located at 100 South 800 West, adjacent to Smithfield, in the Rural 2 (RU2) Zone.
2. **Advanced Shoring Conditional Use Permit 2021** – A request to operate a storage and warehousing facility (Use Type 3400) on a 10-acre parcel located at 4350 South 1500 West, near Nibley, in the Industrial (I) Zone.
3. **Bryan Hansen Conditional Use Permit** – A request to amend the conditions of approval for a previously approved conditional use permit to operate a commercial kennel (Use Type 3300) located at 1015 East 12600 North, Cove, in the Commercial (C) Zone.
4. **Public Hearing (6:00 PM) 2600 West Rezone** – A request to rezone approximately 7.34 acres of a 41.8-acre property located at 2600 West Hwy 30, near Logan, from the Agricultural (A10) Zone to the Industrial (I) Zone.
5. **2022 Meeting Dates and Application Deadlines**
6. **Upcoming: Elections for Chair and Vice Chair**

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

7 October 2021

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1 **Present:** Angie Zetterquist, Chris Harrild, Tim Watkins, Brady Christensen, Chris Sands, Melinda Lee,
2 Phillip Olsen, Nolan Gunnell, John Luthy, Matt Phillips

3 **Start Time: 05:30:00**

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

5 **05:32:00**

6 **Agenda**

7 *Lee* motioned to accept the agenda with the removal of item #10; **Olsen** seconded; **Passed 4, 0.**

8 **05:33:00**

9 **Minutes**

10 *Olsen* motioned to approve the minutes from September 2021; **Lee** seconded; **Passed 4, 0.**

11 **05:33:00**

12 **Consent Item**

13 **Zetterquist** reviewed and addressed the comments received for items #1 and #2 and stated both items
14 meet the requirements for the consent agenda.

15 **Harrild** reviewed access to the subdivisions.

16 **#1 Tom Pitcher Lot Split Subdivision 2nd Amendment**

17 **#2 Birch Hollow Subdivision 1st Amendment**

18 **#3 Maple Fields Subdivision 3rd Amendment**

19 *Sands* motioned to approve the consent agenda based on the findings and conclusions as written; **Olsen**
20 seconded; **Passed 4, 0.**

21 **05:37:00**

22 **Regular Action Items**

23 **#4 Cherry Peak Ski Area Conditional Use Permit 3rd Amendment**

24 **Zetterquist** reviewed the staff report for the Cherry Peak Ski Area Conditional Use Permit.

25 *Lee* motioned to approve the Cherry Peak Ski Area Conditional Use Permit 3rd amendment with the
26 findings of facts, conditions, and conclusions as written; **Olsen** seconded; **Passed 4, 0.**

27 **05:41:00**

1 **#5 Fritz Tower Conditional Use Permit**

2 **Zetterquist** reviewed the staff report for the Fritz Tower Conditional Use Permit.

3 **Staff** and **Commissioners** discussed what a zoning clearance means.

4 **Olsen** *motioned to approve the Fritz Tower Conditional Use Permit with the findings of facts, conditions,*
5 *and conclusions as written; Lee seconded; Passed 4, 0.*

6 **05:46:00**

7 **#6 West Edge Estates Conditional Use Permit**

8 **Watkins** reviewed the staff report for the West Edge Estates Conditional Use Permit.

9 **Staff** and **Commissioners** discussed the approval from the Army Corps of Engineers and the wetlands,
10 conditions #2 and #3, and the zoning of the surrounding land.

11 **Lee** asked about fencing.

12 **Justin Robinson** responded the property is completely fenced.

13 **Staff** and **Commission** discussed future development of the road, and changing condition #3e to include
14 the word “substantially completed”.

15 **Sands** disclosed he has and has had several business dealings with Mr. Robinson and will abstain from
16 voting.

17 **Lee** *motioned to approve the West Edge Estates Conditional Use Permit with the amendment to condition*
18 *#3e; Olsen seconded; Passed 3, 0. (Sands abstained)*

19 **6:05:00**

20 **#7 Valley View Self Storage Conditional Use Permit**

21 **Watkins** reviewed the staff report for the Valley View Self Storage Conditional Use Permit (CUP).

22 **Staff** and **Commissioners** discussed contact with UDOT, sensitive lands, fencing, and setbacks and right
23 of ways.

24 **Nathan Dowd** commented on UDOT’s plans for the road.

25 **Lee** asked about fencing.

26 **Mr. Dowd** stated the entire property will be fenced.

27 **Sands** asked about the first phase.

28 **Mr. Dowd** commented on what buildings are included in the first phase, the plans for the second phase in
29 two to five years, and the buried water storage tank for fire suppression.

- 1 **Sands** commented that the stream could be moved.
- 2 **Mr. Dowd** stated there are possibly looking into that with UDOT.
- 3 **Olsen** asked about the stream.
- 4 **Mr. Dowd** responded that the stream didn't flow this year.
- 5 **Harrild** commented that a below ground tank does meet the requirements for a building which is affected
6 by the setback requirements.
- 7 **Mr. Dowd** stated once the tank is buried his understanding is there should be no issue with water quality
8 for the stream.
- 9 **Staff** and **Commission** discussed the buried water tank and the stream.
- 10 **Mr. Dowd** asked if the state okayed the tank, does that meet the setback requirements and water quality
11 for the stream.
- 12 **Watkins** commented on gradng, drainage, and water quality.
- 13 **Gunnell** asked about the 50 foot setback for quality or flood issues.
- 14 **Harrild** responded it's not for flooding.
- 15 **Commissioners** discussed water quality, setbacks, and the buildings.
- 16 **Lance Anderson** commented on the grating, drainage, and storm water pollution prevention.
- 17 **Staff** and **Commissioners** discussed the 50 foot setback requirement.
- 18 **Olsen** asked where the stream ends.
- 19 **Mr. Dowd** stated Cutler Reservoir on really wet years.
- 20 **Staff** and **Commissioners** discussed the possibility of a berm and adjusting the 50 foot setback in the
21 conditions.
- 22 **Mr. Dowd** asked about having some flexibility in the conditions to allow the County Engineer to sign
23 off.
- 24 **Sands** asked about unpaved storage projects in Cache County.
- 25 **Mr. Dowd** stated gravel does not count as density but pavement does and asked about parking
26 requirements.
- 27 **Lee** asked about a car parking perpendicular and if someone could still get behind it.
- 28 **Mr. Dowd** responded they should be as long as a big truck and trailer wasn't parked diagonally.

1 **Watkins** commented on the parking requirements.

2 **Commissioners** discussed condition #25.

3 **Staff** and **Commissioners** discussed the setbacks and how to word the condition regarding setbacks and
4 berms.

5 *Lee motioned to approve the Valley View Self Storage Units Conditional Use Permit with the stated
6 conditions and conclusions and the addition of a condition that if determined to adequately protect the
7 natural water way from pollutants the 50 foot setback may be adjusted to accommodate the above ground
8 structures with approval from the State and County for that adjustment; Olsen seconded; Passed 3, 1
9 (Sands voted nay).*

10 **6:47:00**

11 **#8 Carlson Soccer Conditional Use Permit**

12 **Watkins** reviewed the staff report for the Carlson Soccer Conditional Use Permit.

13 **Staff** and **Commissioners** discussed fencing.

14 **Keith Mickle** commented representing Wayne Mickle. There are no complaints with the use but
15 concerns with bored children clogging canals, kids accessing the fields, trash blowing into fields, and the
16 need for good fencing.

17 **Lance Anderson** commented on drainage and storms, and parking.

18 **Lee** asked about access from 4200 North.

19 **Anderson** commented that an encroachment permit is going to be sought for equipment access on 4200.

20 **Christensen** asked if the road was wide enough.

21 **Anderson** commented that Matt Phillips says it's fine to access the field from 4200 North with
22 equipment but not parking and explained what they would like to do for parking around the field.

23 **Watkins** stated that parking spaces cannot be in the setback and access needs to be from 200 West.

24 **Sands** asked about fencing.

25 **Anderson** commented on fencing.

26 **Morgan Carlson** commented on fencing and trash.

27 **Olsen** asked about families bringing other children, not players, and trash into the facility.

28 **Mr. Carlson** stated the proposal is fine.

1 **Christensen** asked about the encroachment permit and getting equipment on and off the fields on 4200
2 North.

3 **Mr. Carlson** stated yes, that permit is needed.

4 **Harrild** explained that the CUP runs with the property, not the owner of the property.

5 **Christensen** asked about fencing.

6 **Mr. Carlson** commented there is no access for the north side but a fence will be there anyways to help
7 keep balls in the property and the 4200 North access will be a private access for the field only.

8 **Commissioners** discussed fencing.

9 **Anderson** asked if the fence had to be chain link or could they use netting.

10 **Christensen** commented that for longevity, maintenance, etc. chain link seems to be the best choice.

11 **07:15:00**

12 **5 min break**

13 **07:20:00**

14 **Staff** and **Commissioners** discussed screening and fencing and wording for the condition requiring
15 fencing.

16 **Luthy** commented that chain link fence or fencing/screening of a similar nature approved by county staff
17 be used for the wording.

18 **Anderson** responded that would be fine.

19 **Mr. Mickle** commented he just wants something that a pocket knife can't cut through and is durable like
20 a chain link fence.

21 **Staff** and **Commission** discussed the wording for the fence condition.

22 **Anderson** stated he would like flexibility so that if there is a better product out there than chain link
23 fence they can use it.

24 **Lee** disclosed that she works for Hyde Park and wrote the letter granting permission for the applicant to
25 use 4200 north.

26 **Staff** and **Commission** discussed if an encroachment permit was needed.

27 **Olsen** motioned to approve the Carlson Soccer Conditional Use Permit with the addition of a condition
28 number 7 for a minimum 6-foot tall permanent chain link fence or similar screening must be placed and
29 maintained on the west and south side of the property. The fencing must be approved by the Development
30 Services Director; **Sands** seconded; **Passed 4, 0.**

1 07:40:00

2 **#9 Butcher Shop Conditional Use Permit**

3 **Zetterquist** reviewed the staff report.

4 **Staff** and **Commission** discussed combining the land so there are 2 parcels, distance between the
5 driveways, and there has been no public comment.

6 **Forrest Olsen** asked about condition #6 and whether he could install the required road safety signage.

7 **Christensen** stated no, it's a liability issue.

8 **Mr. Olsen** commented on how signage is located near the road and stated he received a different answer
9 from Logan Environmental about collecting offal.

10 **Harrild** stated "private" could be taken out of the condition referencing a "refuse company" in general.

11 **Olsen** asked if Mr. Olsen was going to process 1200 animals a year.

12 **Mr. Olsen** stated no, in a year he is thinking 200-300 animals units.

13 **William Jensen** commented he owns the land and he wants to be able to stay in the ranching business
14 there. Someday he would like to be able to sell the 2 acres to Forrest.

15 **Staff** and **Commission** discussed the split parcel issue and after recombining the parcels a one lot
16 subdivision could possibly be done to make that happen.

17 **Mr. Olsen** commented on the split parcel issue.

18 08:03:00

19 *Sands* motioned to extend the meeting for 30 minutes; *Lee* seconded; **Passed 4, 0.**

20 *Sands* motioned to approve the Butcher Shop Conditional Use Permit based on the 16 conditions and 3
21 conclusions as amended; *Olsen* seconded; **Passed 4, 0.**

22 08:05:00

23 **#10 Hollow Ridge RV Campground Conditional Use Permit**

24 **Removed at the request of the applicant.**

25 **#11 Holyoak Airport Conditional Use Permit**

26 **Harrild** reviewed the staff report for the Holyoak Airport Conditional Use Permit.

27 **Joe Chambers** commented that notice was received only two days ago by the property owner and he
28 feels like it is improper for staff to continue the report on this item because due process hasn't been done.

1 **Luthy** asked about the information submitted by a 3rd party.

2 **Mr. Chambers** stated he has concerns beyond the home also.

3 **Luthy** commented that issues beyond the home won't be discussed tonight. The issue before the
4 commission tonight is the new structure in the runway area and the implications from that; no action is
5 expected tonight.

6 **Mr. Chambers** stated he disagrees with the information being given tonight because there has only been
7 two days since notice was received and he has not been given time to research and respond. The item
8 should be continued until November 6 for complete due process to happen.

9 **Harrild** stated that public notice requirements for revocation of a conditional use permit requires a 30
10 day notice to the property owner but it is correct that the staff report was only released 2 days ago.

11 **Staff** and **Commission** discussed proceeding with a discussion or continue the item to avoid a procedural
12 conflict.

13 **08:22:00**

14 *Sands* motioned to recommend continuing the Holyoak Conditional Use Permit for up to 90 days; *Lee*
15 *seconded; Passed 4, 0.*

16 **08:23:00**

17 **Adjourned**

Staff Report: Creekside Estates Subdivision 1st Amendment

4 November 2021

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, -0004

Staff Determination: Approval with conditions

-0005, -0006, -0007

Type of Action: Administrative

Land Use Authority: Planning Commission

Project Location

Reviewed by Angie Zetterquist

Project Address:

100 South 800 West
Smithfield

Current Zoning:

Rural 2 (RU2)

Acres: 30.57

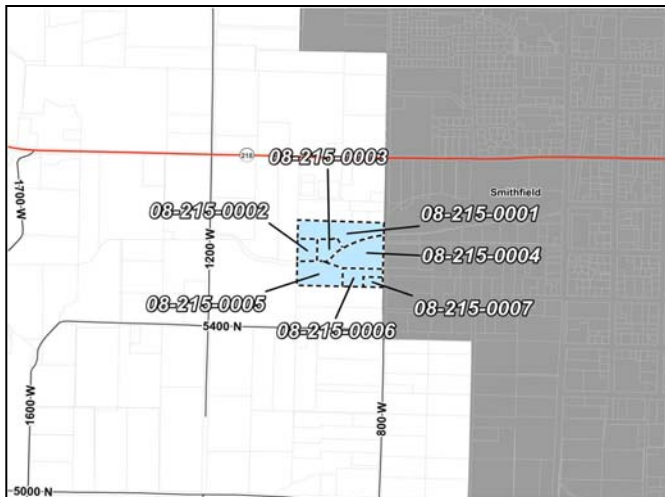
Surrounding Uses:

North – Agricultural/Residential

South –Agricultural/Residential

East –Residential/Smithfield City

West – Agricultural



Findings of Fact

A. Request description

1. The Creekside Estates Subdivision 1st Amendment is a request to change the boundaries of Lots 1 - 6 of the existing 7-lot subdivision and create 8 additional building lots (#8-15). This amendment will involve a total of 30 acres in the Rural (RU2) Zone.
 - a. Amended Lot 1 will decrease from 8.99 acres to 2.08 acres;
 - b. Amended Lot 2 will remain at 2.50 acres;
 - c. Amended Lot 3 will increase from 2.50 acres to 2.71 acres;
 - d. Amended Lot 4 will decrease from 7.52 acres to 5.52 acres;
 - e. Amended Lot 5 will decrease from 5.99 acres to 1.45 acres;

- f. Amended Lot 6 will remain at 3.06 acres; and
- g. There are no changes to Lot 7, which will remain at 1.10 acres.
- h. Proposed Lots 8-15 will be as follows:
 - i. Lot 8 will be 2.73 acres;
 - ii. Lot 9 will be 1.82 acres;
 - iii. Lots 10 & 11 will be 1.00 acre each;
 - iv. Lot 12 will be 1.25 acres;
 - v. Lot 13 will be 1.25 acres;
 - vi. Lot 14 will be 1.32 acres; and
 - vii. Lot 15 will be 2.88 acres.

B. Parcel legality

- 2. The subject properties are legal and conform to the originally approved subdivision plat. In November 2020, a subdivision amendment was submitted to amend Lots 1-3 and add an agricultural remainder, but was withdrawn by the applicant. A rezone from the Agricultural (A10) Zone to the Rural 2 (RU2) was approved by the County Council for all the properties within the subdivision boundary in April 2021 as Ordinance 2021-13. The RU2 Zone allows for the division of property at 1 lot for every 2 acres. With 30.57 acres, under the RU2 Zone the subdivision has the potential for a maximum of 15 lots as proposed in this subdivision amendment request.

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 – Each buildable lot in a subdivision requires an approved domestic water right. Lots 1-7 were previously approved and have water rights in place. The 8 new proposed lots have 2 approved domestic water rights under #25-11515/18 (a46836) and 6 domestic water rights pending per water right #25-11766/a47860. Prior to recording the subdivision, the applicant must provide an approved domestic water right for each proposed lot. *See condition #1*

- 5. §16.04.080 [B] Sewage Requirements – The Bear River Health Department (BRHD) has determined that an onsite wastewater system is feasible for each of the 8 proposed lots. Septic systems are not allowed within well protection areas and must have a minimum setback of 100 feet from Summit Creek. *See condition #2*

§16.04.070 Storm Drainage Requirements – Compliance with State Stormwater Detention must be met. A stormwater report prepared by a licensed Engineering detailing how the proposed development will 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. All storm water controls/structures (ponds, culverts, etc.) required to meet the stormwater requirements must be constructed prior to recording the plat. *See condition #3*

All stormwater controls/structures must be maintained by the property owners. *See condition #4* Additionally, the owner of property that contains a portion of a long-term stormwater system component such as, but not limited to, a pond, clarifier, infiltration area, must execute a maintenance agreement that operates as a deed restriction binding on the current property owner and all subsequent property owners. *See condition #4*

Prior to any land disturbing activities, a Utah Pollutant Discharge Elimination System (UPDES) construction stormwater permit from the State is required. A copy of the permit, Stormwater Pollution Prevention Plan (SWPPP), and the Notice of Intent (NOI) must be provided to the Department of Public Works for review and approval. *See condition #5*

E. Access

6. §16.02.010 Standards and Lot Size – All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County Zoning Ordinance and within this title.
7. Table 17.10.040 Site Development Standards – Minimum lot frontage required in the A10 Zone is 90 feet.
8. §17.07.040 General Definitions – Lot/Parcel Frontage: that portion of a development site that abuts a public or private roadway. For the purposes of determining setback requirements on corner lots, all sides of a lot adjacent to a roadway shall be considered frontage.
9. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
10. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
11. §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.
12. The Road Manual specifies the following:
 - a. Private Roads – Private roads are not intended for use by the public. These roads are privately owned, provide access to two or more legal lots or parcels, and are not maintained by the County. Geometric and structural design standards for private roads are the same as those used for public roads. For purposes of design and construction standards, private roads are subdivided into Major Private (PM) roads and Minor Private (P) roads.
 - a. Major Private Road (PM): Major Private Roads are private roads with an expected ADT of 50-200. Where it is determined that ADT will exceed 200, the Director of Public Works may require that the road be dedicated to the County and improved to public road standards.
 - b. Table B-6 Typical Cross Section Minimum Standards: Major Private Roads must meet the minimum standard of a 66-foot right-of-way, two 10-foot wide paved travel lanes with 2-foot wide gravel shoulders: 14-inches depth of granular borrow, a 6-inches depth of untreated base course, and 3 inches of bituminous surface course (asphalt).
 - c. Major Local Roads must meet the minimum standard of a 66-foot right-of-way, two 10-foot wide paved travel lanes with 6-foot wide shoulders (2 feet paved and 4 feet of gravel): 14-inches depth of granular borrow, a 6-inches depth of untreated base course, and 3 inches of bituminous surface course (asphalt).
13. Table B-8 Typical Cross Section Structural Values: The minimum structural composition for major and minor local roads requires 14” depth of granular borrow, 6” depth of road base, and 3” depth of asphalt
14. A basic review of the access to the existing parcels identifies the following:
 - a. The existing subdivision has frontage along 800 West. Both the 6 amended lots and the 8 proposed lots are accessed from private roads off of 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.
 - iv. With the request to create additional lots, the applicant has provided a letter from Smithfield City (Attachment A) stating that no additional road improvements are required for the new lots so long as they don't front onto 800 West. If any of the new lots do take access or front on 800 West, then frontages and driveway entrances must meet the City Standards. Lot 12 does have frontage along 800 West, but takes access from a private road (5650 North). Applicant must provide confirmation that the new Lot 12 meets the requirements of Smithfield City for frontage along 800 West. *See condition #6*
 - v. In their letter, Smithfield City also noted that the two private roads which intersect 800 West (i.e., 5650 North & 5550 North) are named streets and require appropriate signage and lighting. A bond is required for modifications to city curb, gutters, and streets. *See condition #7*
- c. Private roads:
 - i. There are two private roads that provide access to 14 of the 15 lots of the subdivision as amended: 5650 North and 5550 North.
 - ii. 5650 North provides access to the north side of subdivision and will provide access to the seven properties: Lots 1, 2, 3, 12, 13, 14, and 15;
 - iii. 5650 North provides access to the south side of the subdivision and will provide access to seven lots: Lots 4, 5, 6, 8, 9, 10, & 11. and
 - iv. Lot 7 takes access directly from 800 West.
 - v. The previously approved subdivision plat had a 25-foot wide easement for both private access roads from 800 West. The subdivision amendment proposes to expand the easements to 66 feet wide. Approval from Smithfield City for increase of access must be provided to the County. *See condition #6*
 - vi. Due to the increased number of lots, both private roads must be improved and constructed to the Major Private Road standard per the Road Manual prior to recording the subdivision. *See condition #8*
 - vii. The draft subdivision amendment plat shows that 5550 North will have a portion that is a Major Private Road off of 800 West, but changes to a Minor Private Road as it continues west. All of 5550 North must be improved to a Major Private Road and a 48-foot radius turn-around must be located at the end of the Private Road, not in the middle as is currently existing and is shown on the draft plat. *See condition #9*
 - viii. Private roads are not maintained by the County or Smithfield City. All existing or future parcel owners are responsible for maintaining the private roads. *See condition #10*

F. Service Provision

- 15. §16.04.080 [C] Fire Control – The County Fire District requires the construction of an approved turn-around as required under the International Fire Code with a radius of 46-feet. Water supply for fire protection will be provided by the Smithfield Fire Department. Any future development

on the property must be reevaluated and may require improvements based on the location of the proposed access and development. *See condition #10*

16. §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

17. §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. Summit Creek is a natural waterway and, per, §17.18.050(A)(3)(a) of the County Code, requires a 50-foot setback for all structures and a 100 foot setback for all on-site septic systems. *See condition #11*
 - b. FEMA FIRM Floodplain and floodplain buffer are located on portions of the proposed subdivision (See Attachment B). The floodplain on the subdivision plat must meet the floodplain shown on the current FIRM map. A hatch or note can be added to show areas in the floodplain that may have a LOMA approved, but the LOMA does not change the location of the floodplain. Any future development must meet current Code requirements. *See condition #12*
 - 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 #13*

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

18. Public notice was posted online to the Utah Public Notice Website on 25 October 2021.
19. Notices were posted in three public places on 25 October 2021.
20. Notices were mailed to all property owners within 300 feet of the subject property and to Smithfield City on 22 October 2021.
21. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

Conditions

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 the approved domestic water rights for Lots 8-15 must be provided to the Development Services Department. (*See D-4*)
2. Septic systems are not allowed within the well protection areas and must be a minimum of 100 feet from Summit Creek. (*See D-5*)
3. Prior to recording the plat, the applicant must provide a stormwater report prepared by a licensed engineer detailing how the proposed development will 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. The applicant must provide written confirmation from the Public Works Department to the Development Services Department that the stormwater report has been reviewed and approved by the County Engineer prior to recording the plat. (*See D-6*)

4. Prior to recording the plat, the applicant must provide an executed maintenance agreement that operates as a deed restriction binding on current and future property owners regarding the maintenance of long-term stormwater system components located on their property within the subdivision. The maintenance agreement must be reviewed and approved by the Public Works Department and a copy of the approved agreement must be provided by the applicant to the Development Services Office. *(See D-6)*
5. Prior to any land disturbing activities, a Utah Pollutant Discharge Elimination System (UPDES) construction stormwater permit from the State will be required. A copy of the permit, Stormwater Pollution Prevention Plan (SWPPP), and the Notice of Intent (NOI) must be submitted to and approved by the Public Works Department. *(See D-6)*
6. Prior to recording the plat, the applicant must provide confirmation from Smithfield City that any widening of the accesses off of 800 West to 5650 North and 5550 North to accommodate the 66-wide easement and increased access has been approved and completed by the applicant. Additionally, confirmation from Smithfield City that the frontage for Lot 12 along 800 West meets the City's requirements. The applicant must provide all written confirmation, including permits and approvals, to the Development Services Department from Smithfield City. *(See E-14-b-iv, E-14-b-v, E-14-c-v)*
7. Prior to recording the plat, the applicant must provide confirmation from Smithfield City that the required improvements to street signage and lighting for the private roads taking access from 800 West have been approved and completed per the City's standards. *(see E-14-b-v)*
8. Prior to recording the plat, the applicant must improve the full length of both private roads (i.e., 5650 North & 5550 North) to a Major Private Road standard. The applicant must submit plans prepared by a licensed Engineer to the Public Works Department for review and approval prior to starting construction on the road. A copy of all permits, approvals, et cetera, related to the required road improvements must be provided to the Development Services Department by the applicant. *(E-14-c-vi)*
9. Prior to recording the plat, subdivision amendment plat must be revised to show that 5550 North is a continuous Major Private Road from 800 West to the western most terminus of the road ending with the required turn-around adjacent to Lots 8, 9 & 5. All of 5550 North must be improved to a Major Private Road and a 48-foot radius turn-around must be located at the end of the Private Road, not in the middle as is currently existing and is shown on the draft plat
10. Prior to recording the plat, the applicant must provide a turn-around that meets the requirements of the Public Works Department, Road Manual, and the Fire District. The approved turnaround must be shown on the subdivision plat and included in the easement. The applicant must submit plans prepared by a licensed Engineer to the Public Works Department for review and approval prior to starting construction on the turn around. A copy of all permits, approvals, et cetera, related to the required improvements must be provided to the Development Services Department by the applicant. *(E-14-c-viii)*
11. Prior to recording the subdivision, the applicant must provide a copy of the maintenance agreement between the property owners accessing the private roads to the Development Services Department. A note must be added to the subdivision plat regarding the maintenance of the private road. *(E-14-c-iv)*
12. Prior to recording the permit, the applicant must provide written confirmation from the Fire District to the Development Services Office that the required turn-arounds meet the requirements of the IFC. *(See F-15)*

13. Prior to recording the permit, a 50-foot setback from top-of-bank of Summit Creek must be shown on the plat. An access easement along the creek must also be maintained for County maintenance. *(See G-17-a)*
14. Prior to recording the permit, the FEMA floodplain must be shown on the plat that accurately reflects the current FIRM map. A hatch or note can be added to show areas in the floodplain that may have a LOMA approved. *(See G-17-b)*
15. The applicant must disclose to future property owners that the subdivision is located within the Airport Influence Area. *(See G-17-c)*

Conclusions

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.

CREEKSIDE ESTATES SUBDIVISION 1ST AMENDMENT

AMENDING LOTS 1 THROUGH 6 AND CREATING LOTS 8 THROUGH 15
 PART OF SE 1/4 SEC 29, T13N, R1E, SLM
 CACHE COUNTY, UTAH
 SEPTEMBER 2021



PRELIMINARY PLAT

CREEKSIDE ESTATES SUBDIVISION
1ST AMENDMENT

PROJECT TITLE:

CL
 Cache • Landmark
 Engineers
 Surveyors
 Planners
 95 Golf Course Rd.
 Suite 101
 Logan, UT 84321
 435.713.0099

DATE: 30 SEPTEMBER 2021
 SCALE: 1" = 60'
 CALCULATIONS BY: S. EARL
 CHECKED BY: J. DAY
 APPROVED BY: S. EARL
 PROJECT NUMBER: 20071RSM
 SHEET:

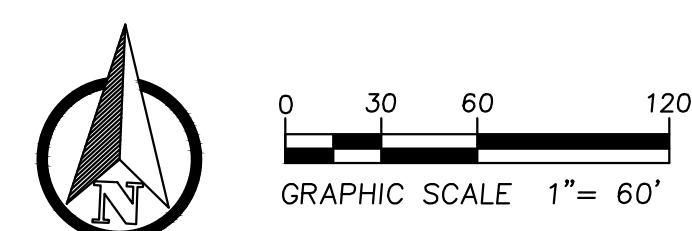
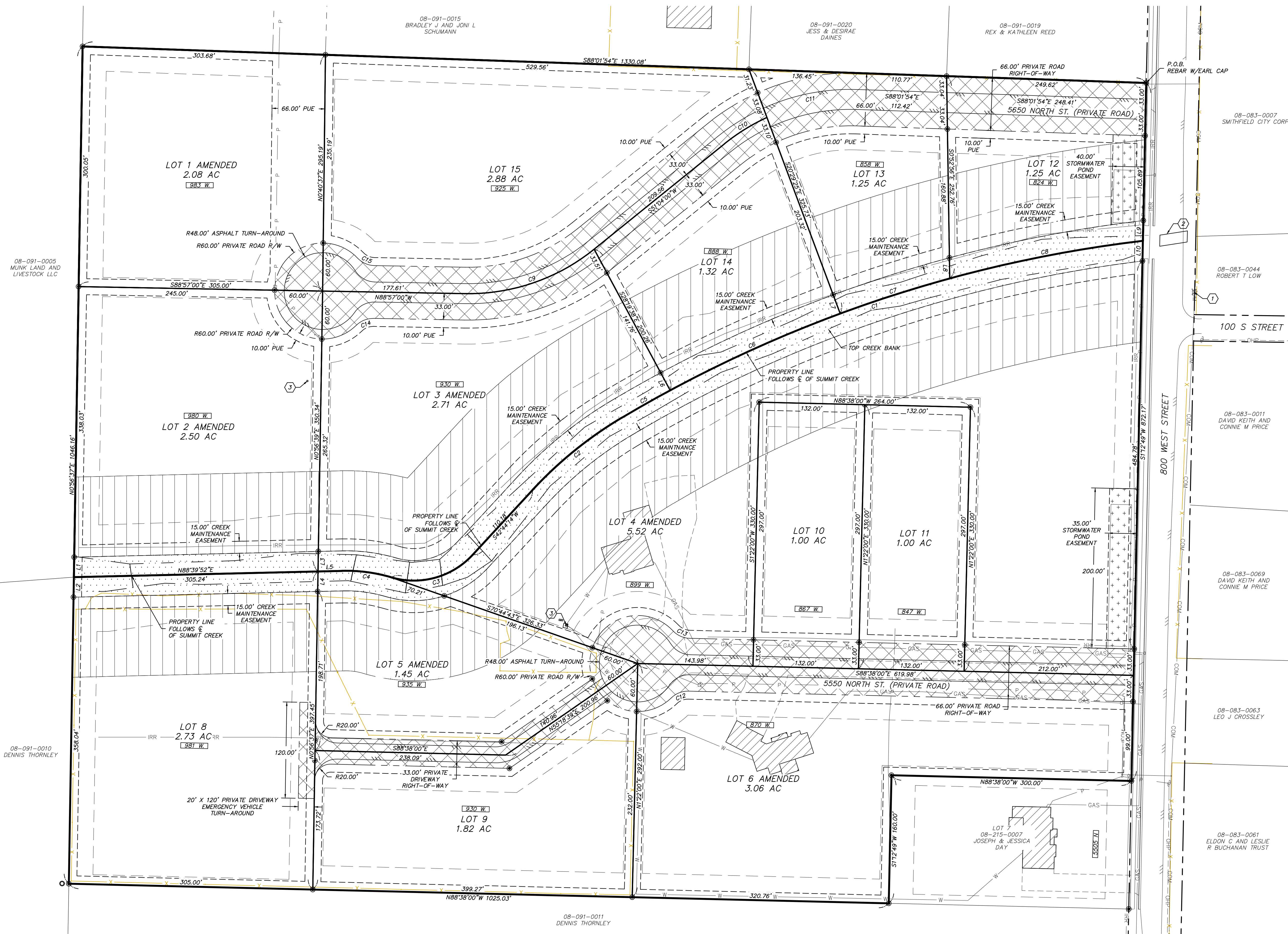
1 / 2

LEGEND

- BOUNDARY
- NEW LOT LINE
- RIGHT-OF-WAY LINE
- EASEMENT
- FENCE
- EDGE OF ROADWAY
- PRIMARY BLDG SETBACK
- PRIVATE RIGHT-OF-WAY
- OVERHEAD POWER LINE
- BURIED POWER LINE
- BURIED COMMUNICATIONS LINE
- IRRIGATION PIPELINE
- CULINARY WATER PIPELINE
- NATURAL GAS PIPELINE
- STORM DRAIN PIPELINE
- REBAR W/EARL CAP
- SURVEY MONUMENT AS NOTED
- QUARTER SECTION CORNER
- EXISTING BUILDING
- 100 YR. FLOODPLAIN
- 100' FLOODPLAIN BUFFER
- PRIVATE RIGHT-OF-WAY
- STORMWATER POND EASEMENT
- STREET ADDRESS

KEY NOTES

- FIRE HYDRANT
- CONCRETE BOX CULVERT
- WELL



9/30/2021 1:00 PM Z:\2020 PROJECTS\20071RSM ANDY RASHUISSEY - AMENDED PLAT - SMITHFIELD, UTAH\CAD\SURVEY\PRELIMINARY PLAT\20071RSM CREEKSIDE ESTATES 1ST AMENDMENT

08-091-0005
MUNK LAND AND LIVESTOCK LLC

08-091-0010
DENNIS THORNLEY

08-091-0015
BRADLEY J AND JONI L
SCHUMANN

08-091-0020
JESS & DESIRAE
DAINES

08-091-0019
REX & KATHLEEN REED

08-083-0007
SMITHFIELD CITY CORP.

08-083-0044
ROBERT T LOW

08-083-0011
DAVID KEITH AND
CONNIE M PRICE

08-083-0069
DAVID KEITH AND
CONNIE M PRICE

08-083-0063
LEO J CROSSLEY

08-083-0061
ELDON C AND LESLIE
R BUCHANAN TRUST

08-091-0011
DENNIS THORNLEY

08-215-0007
JOSEPH & JESSICA
DAY



PRELIMINARY PLAT

SHEET DESCRIPTION

CREEKSIDE ESTATES SUBDIVISION 1ST AMENDMENT

PROJECT TITLE



Cache & Landmark
Engineers
Surveyors
Planners

95 Golf Course Rd.
Suite 101
Logan, UT 84321
435.713.0099

DATE: 30 SEPTEMBER 2021

SCALE: NA

CALCULATIONS BY: S. EARL

CHECKED BY: J. DAY

APPROVED BY: S. EARL

PROJECT NUMBER: 20071RSM

SHEET: 2 / 2

SURVEY CERTIFICATE

I, STEVEN C. EARL, A PROFESSIONAL LAND SURVEYOR, HOLD CERTIFICATE NO. 318575-2201, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND DO HEREBY CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT, WHICH IS ACCURATELY DESCRIBED HEREON, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, STREETS, AND EASEMENTS TO BE HEREAFTER KNOWN AS CREEKSIDE ESTATES SUBDIVISION 1ST AMENDMENT, AND THAT THE SAME HAS BEEN SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

LEGAL DESCRIPTION

PART OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 13 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN, LOCATED IN THE COUNTY OF CACHE, STATE OF UTAH, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION; THENCE N44°35'25"E 3776.96 FEET TO THE EAST QUARTER CORNER OF SAID SECTION; THENCE S1°44'15"W 804.49 FEET TO THE POINT OF BEGINNING ON THE WEST LINE OF 800 WEST STREET; THENCE S1°12'49"W 872.17 ALONG SAID WEST LINE OF 800 WEST STREET TO THE NORTHEAST CORNER OF LOT 7 OF CREEKSIDE ESTATES SUBDIVISION, RECORDING NUMBER 1229356; THENCE N88°38'00"W 300.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 7; THENCE S1°12'49"W 160.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 7; THENCE N88°38'00"W 1025.03 FEET; THENCE N00°56'37"E 1046.16 FEET; THENCE S88°01'54"E 1330.08 FEET ALONG SOUTH LINE OF THE TOM PITCHER LOT SPLIT SUBDIVISION TO THE POINT OF BEGINNING;

CONTAINING 30.57 ACRES, MORE OR LESS.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE TRACT OF LAND DEPICTED HEREON, CAUSE THE SAME TO BE SUBDIVIDED INTO LOTS, TOGETHER WITH PRIVATE DRIVEWAY AND UTILITY EASEMENTS, TO BE HERINAFTER KNOWN AS: CREEKSIDE ESTATES SUBDIVISION 1ST AMENDMENT. WE ALSO DEDICATE, GRANT, AND CONVEY TO ALL PUBLIC UTILITY AGENCIES, THEIR SUCCESSORS AND ASSIGNS, A PERMANENT EASEMENT AND RIGHT-OF-WAY OVER, UNDER, ACROSS, AND THROUGH THOSE AREAS DESIGNATED ON THIS PLAT AS "PUBLIC UTILITY EASEMENTS" FOR THE CONSTRUCTION AND MAINTENANCE OF SUBTERRANEAN ELECTRICAL, TELEPHONE, NATURAL GAS, SEWER, WATER, AND DRAINAGE LINES AND APPURTENANCES, TOGETHER WITH THE RIGHT OF ACCESS THERETO, WHICH WOULD REQUIRE THAT NO SURFACE CONSTRUCTION BE ALLOWED WHICH WOULD INTERFERE WITH NORMAL UTILITY USE. IT IS UNDERSTOOD THAT IF IT BECOMES NECESSARY TO RELOCATE SAID UTILITIES AT THE INSTANCE OR REQUEST OF ANY PUBLIC ENTITY OR THE OWNER, THE COSTS AND EXPENSES INCURRED THEREBY WILL BE BORNE BY THE OWNER OR THE ENTITY REQUIRING OR REQUESTING THE SAME. FURTHERMORE, WE INCORPORATE THE NOTES AND RESTRICTIONS AS LISTED HEREON.

NORTH CREEKSIDE, LLC
BY: ANDY RASMUSSEN, MANAGER AMY RASMUSSEN, MANAGER
DAVE ANTHON, MANAGER KERRI ANTHON, MANAGER
DUANE WILLIAMS RUTH WILLIAMS
BRICE SADLER SARAH SADLER
CARSON CAMPBELL CHELSIE CAMPBELL

SMITHFIELD CITY
ACCESS WAS GRANTED AND CONFIRMED BY SMITHFIELD CITY ON THE _____ DAY OF _____, 2021. DATED THIS _____ DAY OF _____, 2021.

BY: SMITHFIELD CITY MAYOR

COUNTY RECORDER'S NO. _____
STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT THE REQUEST OF _____
DATE _____ TIME _____ FEE _____
ABSTRACTED _____

INDEX FILED IN: FILE OF PLATS MICHAEL GLEED, COUNTY RECORDER

ACKNOWLEDGMENT

STATE OF UTAH } §
COUNTY OF CACHE

ON THIS _____ DAY OF _____, IN THE YEAR 2021, BEFORE ME _____, A NOTARY PUBLIC, PERSONALLY APPEARED ANDY RASMUSSEN AND AMY RASMUSSEN, PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO IN THIS DOCUMENT, AND ACKNOWLEDGED THEMSELVES TO BE MANAGERS OF NORTH CREEKSIDE, LLC, A LIMITED LIABILITY COMPANY, AND IN THAT CAPACITY BEING AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED BY SIGNING THE NAME OF THE LIMITED LIABILITY COMPANY BY THEMSELVES AS MANAGERS.

NOTARY PUBLIC SIGNATURE: _____
NOTARY PUBLIC FULL NAME: _____
COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH

ACKNOWLEDGMENT

STATE OF UTAH } §
COUNTY OF CACHE

ON THIS _____ DAY OF _____, IN THE YEAR 2021, BEFORE ME _____, A NOTARY PUBLIC, PERSONALLY APPEARED DAVE ANTHON AND KERRI ANTHON, PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO IN THIS DOCUMENT, AND ACKNOWLEDGED THEMSELVES TO BE MANAGERS OF NORTH CREEKSIDE, LLC, A LIMITED LIABILITY COMPANY, AND IN THAT CAPACITY BEING AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED BY SIGNING THE NAME OF THE LIMITED LIABILITY COMPANY BY THEMSELVES AS MANAGERS.

NOTARY PUBLIC SIGNATURE: _____
NOTARY PUBLIC FULL NAME: _____
COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH

ACKNOWLEDGMENT

STATE OF UTAH } §
COUNTY OF CACHE

ON THIS _____ DAY OF _____, IN THE YEAR 2021, BEFORE ME _____, A NOTARY PUBLIC, PERSONALLY APPEARED DUANE WILLIAMS AND RUTH WILLIAMS, PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THIS DOCUMENT, AND ACKNOWLEDGED THEY EXECUTED THE SAME.

NOTARY PUBLIC SIGNATURE: _____
NOTARY PUBLIC FULL NAME: _____
COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH

ACKNOWLEDGMENT

STATE OF UTAH } §
COUNTY OF CACHE

ON THIS _____ DAY OF _____, IN THE YEAR 2021, BEFORE ME _____, A NOTARY PUBLIC, PERSONALLY APPEARED BRICE SADLER AND SARAH SADLER, PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THIS DOCUMENT, AND ACKNOWLEDGED THEY EXECUTED THE SAME.

NOTARY PUBLIC SIGNATURE: _____
NOTARY PUBLIC FULL NAME: _____
COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH

ACKNOWLEDGMENT

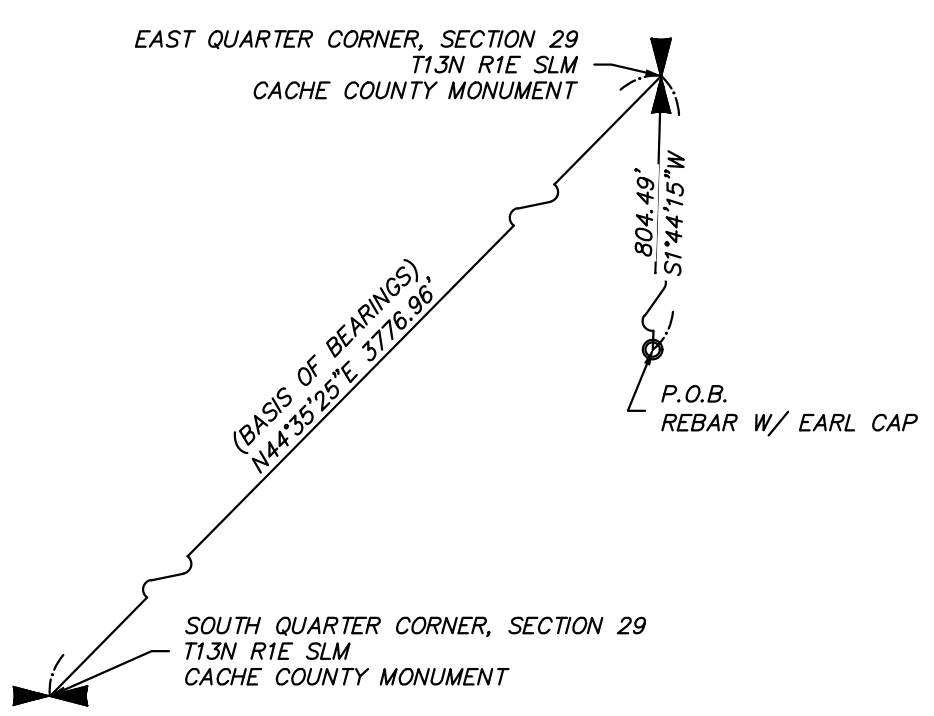
STATE OF UTAH } §
COUNTY OF CACHE

ON THIS _____ DAY OF _____, IN THE YEAR 2021, BEFORE ME _____, A NOTARY PUBLIC, PERSONALLY APPEARED CARSON CAMPBELL AND CHELSIE CAMPBELL, PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THIS DOCUMENT, AND ACKNOWLEDGED THEY EXECUTED THE SAME.

NOTARY PUBLIC SIGNATURE: _____
NOTARY PUBLIC FULL NAME: _____
COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH

CURVE TABLE					
CURVE	LENGTH	RADIUS	Δ	CH. BEARING	CHORD
C1	692.63'	1657.08'	23°56'55"	S71°15'03"W	687.60'
C2	144.33'	500.00'	16°32'21"	S51°00'25"W	143.83'
C3	111.14'	100.00'	63°40'35"	S74°34'31"W	105.50'
C4	61.96'	200.00'	17°44'57"	N82°27'40"W	61.71'
C5	69.30'	1657.08'	2°23'46"	S60°28'28"W	69.30'
C6	233.30'	1657.08'	8°04'00"	S65°42'22"W	233.11'
C7	143.86'	1657.08'	4°58'26"	S72°13'35"W	143.81'
C8	246.18'	1657.08'	8°30'43"	S78°58'09"W	245.95'
C9	174.46'	250.00'	39°58'59"	N71°03'30"E	170.94'
C10	62.47'	250.00'	14°19'00"	S58°13'30"W	62.31'
C11	116.00'	250.00'	26°35'05"	S78°40'33"W	114.96'
C12	23.86'	30.00'	45°34'23"	S68°34'49"W	23.24'
C13	23.86'	30.00'	45°34'23"	S65°50'48"E	23.24'
C14	23.86'	30.00'	45°34'23"	S68°15'48"W	23.24'
C15	23.86'	30.00'	45°34'23"	S66°09'49"E	23.24'

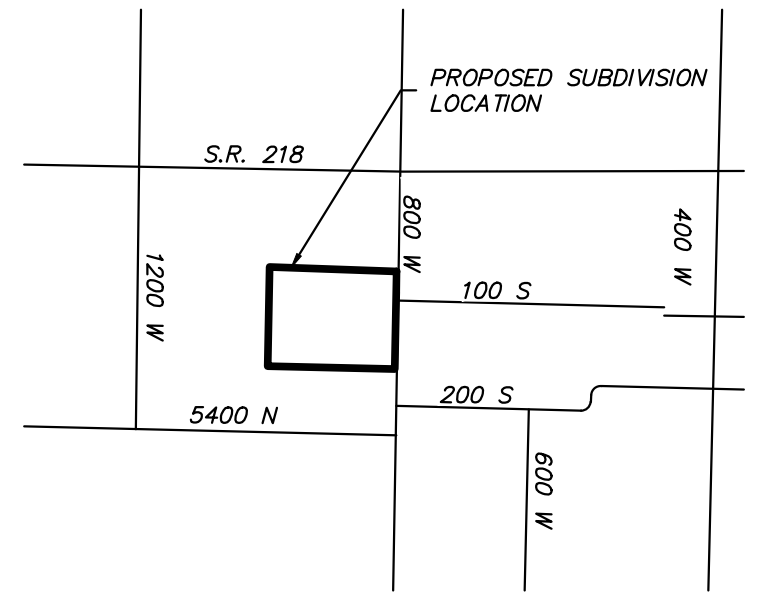
LINE TABLE		
LINE	LENGTH	BEARING
L1	25.02'	S0°56'37"W
L2	25.02'	S0°56'37"W
L3	25.02'	N0°56'39"E
L4	25.02'	N0°56'37"E
L5	30.33'	N88°39'52"E
L6	25.00'	N28°19'38"W
L7	25.00'	N20°29'25"W
L8	25.80'	N0°52'56"W
L9	25.24'	N1°12'49"E
L10	25.25'	N1°12'49"E



NOTES & RESTRICTIONS

- 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 AND FOREST RECREATION ZONE.
- CULINARY WATER: CACHE COUNTY HAS NOT DETERMINED THE AVAILABILITY OR ADEQUACY OF CULINARY WATER TO ANY OF THE LOTS IDENTIFIED. ALL OWNERS ARE ADVISED OF THE REQUIREMENTS TO OBTAIN AN APPROVED CULINARY WATER SOURCE AND COMPLY WITH ALL OTHER REQUIREMENTS FOR THE ISSUANCE OF A ZONING CLEARANCE, PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- STORM WATER DRAINAGE: NO INCREASED LEVEL OF STORM WATER DRAINAGE SHALL BE ALLOWED TO FLOW FROM ANY PORTION OF ANY LOT OR REMAINDER PARCEL OF THIS SUBDIVISION TO ANY ADJACENT PROPERTIES, DITCHES, CANALS, OR WATERWAYS NOR MAY ANY EXISTING, HISTORIC, OR NATURAL DRAINAGE BE ALTERED WITHOUT PRIOR WRITTEN AUTHORIZATION PROVIDED BY THE AFFECTED PARTY OR ENTITY (MAY INCLUDING BUT IS NOT LIMITED TO: ADJACENT PROPERTY OWNER(S), DITCH OR CANAL COMPANY, CACHE COUNTY, OR THE STATE WATER ENGINEER'S OFFICE).
- PRIVATE RIGHTS-OF-WAY:
 - THE PRIVATE INTERIOR ROADS (5550 NORTH AND 5650 NORTH) ARE NOT DEDICATED TO THE COUNTY AND NO MAINTENANCE OR SNOW REMOVAL WILL BE PROVIDED BY CACHE COUNTY.
 - THE PRIVATE INTERIOR ROADS (5550 NORTH AND 5650 NORTH) WILL BE USED BY ALL LOTS IN THIS SUBDIVISION FOR ACCESS TO THE PUBLIC ROAD.
 - ALL LOT OWNERS OF THIS SUBDIVISION ARE RESPONSIBLE FOR THE CONSTRUCTION, MAINTENANCE, AND REMOVAL OF SNOW ON THE PRIVATE INTERIOR ROADS (5650 NORTH AND 5550 NORTH).
- BUILDING SETBACKS ARE 30' FRONT YARD, 30' REAR YARD, 12' SIDE YARD, 30' SIDE YARD ALONG A ROAD, AND 50' ALONG A WATERWAY. BUILDING SETBACKS ARE FOR PRIMARY BUILDINGS.
- NO SLOPES OF 20% OR GREATER WERE FOUND ON THIS PROPERTY.
- ACCESS EASEMENTS ARE FOR INGRESS/EGRESS AND CONSTRUCTION AND MAINTENANCE OF PRIVATE ROADWAYS/DRIVEWAY.
- WITNESS MONUMENTS WERE SET WHERE IT WAS NOT FEASIBLE TO SET ACTUAL CORNER MONUMENTS AS SHOWN HEREON.
- ALL PRIVATE RIGHTS-OF-WAY, PRIVATE DRIVEWAYS, CREEK MAINTENANCE EASEMENTS, AND STORMWATER POND EASEMENTS ARE DEDICATED AS BLANKET PUBLIC UTILITY EASEMENTS.
- ALL LOTS ARE INTENDED TO BE USED FOR RESIDENTIAL HOUSING.

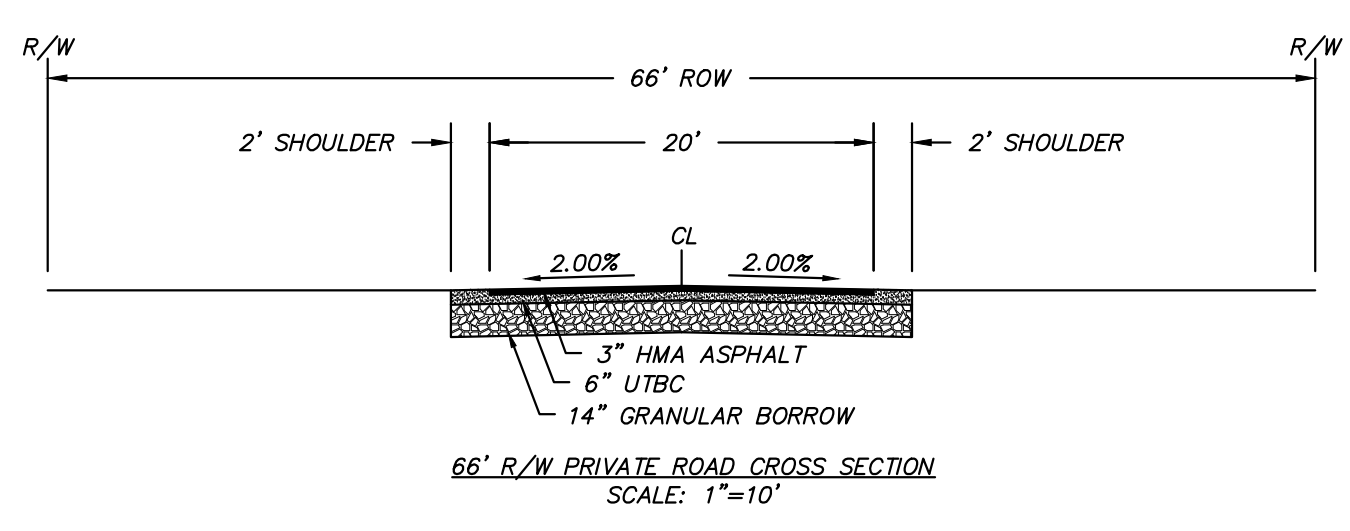
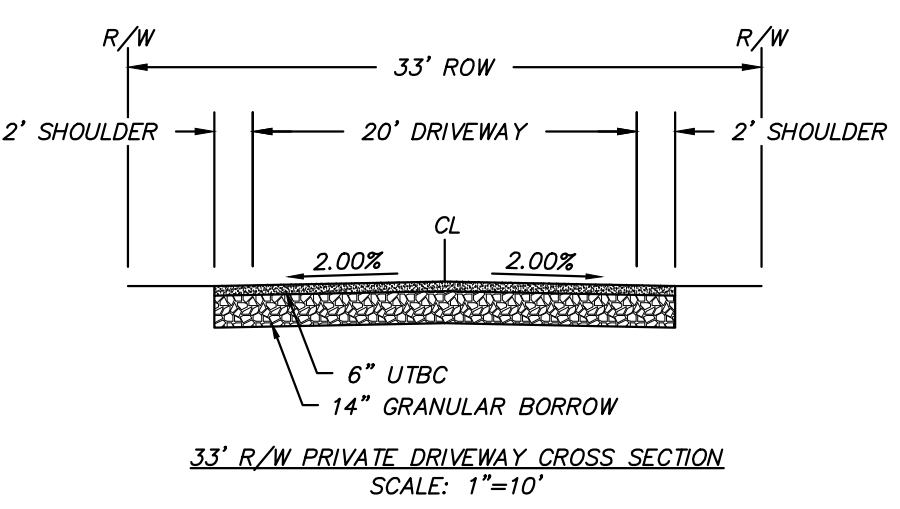
VICINITY MAP



SURVEY NARRATIVE

THIS SURVEY WAS ORDERED BY ANDY RASMUSSEN FOR THE PURPOSE OF AMENDING LOTS 1 THROUGH 6 AND CREATING LOTS 7 THROUGH 15. SURVEYS 2019-0225 WAS RETRACED AND ACCEPTED AS THE BOUNDARY. NO MAJOR DISCREPANCIES WERE FOUND.

REBARS W/CAPS STAMPED "STEVEN C. EARL UT PLS 318575" WERE SET AT ALL CORNERS, EXCEPTIONS NOTED.



OWNERS OF RECORD
NORTH CREEKSIDE, LLC
c/o ANDY RASMUSSEN
515 S 800 W
SMITHFIELD, UT 84335

DUANE & RUTH WILLIAMS
73 S 300 W
SMITHFIELD, UT 84335-2033

BRICE & SARAH SADLER
694 S 280 E
SMITHFIELD, UT 84335-9531

CARSON & CHELSIE CAMPBELL
1241 S HIDDEN VIEW DR
PROVIDENCE, UT 84332-9321

CACHE COUNTY PLANNING COMMISSION
THIS PLAT WAS SUBMITTED FOR APPROVAL BY THE PLANNING COMMISSION ON THE _____ DAY OF _____, 20____, DATED THIS _____ DAY OF _____, 20____.
BY: _____ CHAIR

DEPUTY COUNTY SURVEYOR
I CERTIFY THAT I HAVE EXAMINED THIS PLAT 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 THE COUNTY ORDINANCE AND STATE LAW.
DATE _____ DEPUTY COUNTY SURVEYOR

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.
DATE _____ CACHE COUNTY ATTORNEY

BEAR RIVER HEALTH DEPARTMENT APPROVAL
THE SUBDIVISION DESCRIBED IN THIS PLAT HAS BEEN APPROVED BY THE BEAR RIVER HEALTH DEPARTMENT THIS _____ DAY OF _____, 2021.
BY: _____ TITLE: _____

COUNTY RECORDER'S NO. _____
STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT THE REQUEST OF _____
DATE _____ TIME _____ FEE _____
ABSTRACTED _____
INDEX FILED IN: FILE OF PLATS MICHAEL GLEED, COUNTY RECORDER

9/30/2021 1:01 PM Z:\2020 PROJECTS\2007RSM ANDY RASMUSSEN - AMENDED PLAT - SMITHFIELD, UT\CAD\SURVEY\PRELIMINARY PLAT\2007RSM CREEKSIDE ESTATES 1ST AMENDMENT.dwg

Staff Report: Advanced Shoring CUP Amendment 2021

4 November 2021

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

Agent: Per-Ole Danfors, Danfors Brothers, LLC

Parcel ID#: 03-058-0022

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

Location

Reviewed by Angie Zetterquist

Project Address:

4350 South 1500 West

North of Hyrum

Current Zoning:

Industrial (I) Zone

Acres: 10.0

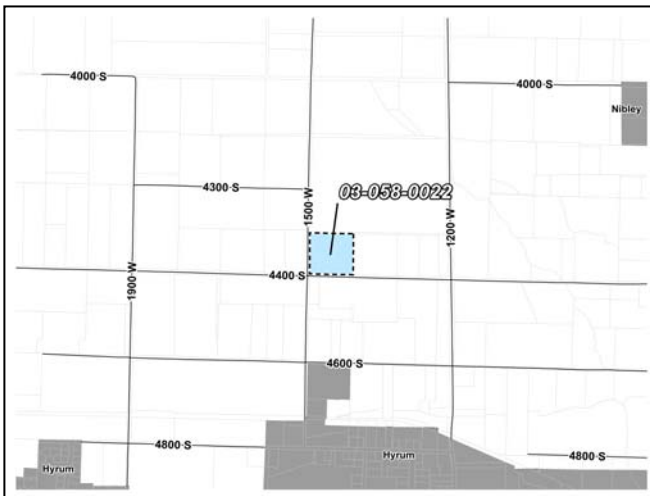
Surrounding Uses:

North – Agricultural/Public Infrastructure

South – Agricultural/Hyrum City

East – Agricultural

West – Agricultural



Findings of Fact

A. Request description

1. The Advanced Shoring Conditional Use Permit (CUP) 1st Amendment is a request to amend their previously approved CUP to operate a storage and warehousing facility (Use Type 3400) on a 10.0 acre parcel located in the Industrial (I) Zone.
2. The Planning Commission approved a CUP in July 2019 but the applicant has decided to make significant changes to the original request through an amendment approved in May 2020. Although both the original CUP and the 2020 amendment were approved, neither permit was recorded prior to the expiration of the Land Use Authority’s approval and both approvals are void. The current request has changed from the previous two requests.

3. In 2018, the County Council approved a rezone of the subject property from Agricultural (A10) to Industrial (I) in 2018 per Ordinance 2018-10. The applicant is now seeking to move forward with a storage and warehousing facility on the parcel.
4. Per the current Letter of Intent (Attachment A), the applicant is proposing to use the southeast portion of the property for storing, refurbishing, and repairing construction equipment. In previous requests, the applicant has also requested to operate an open-air RV and boat storage on the northwest portion of the property, but that proposed operation has been removed from the current Letter of Intent and is not a part of this request. *See condition #1*
 - a. Construction
 - i. The subject property has three existing buildings on-site, located in the southwest area of the property. The applicant had originally proposed using the existing wood-frame, metal structures for the construction company, but has determined the structures are not practical for the proposed use and is now planning to construct a new 3,900 square foot building for this purpose (Attachment B). Per the current Letter of Intent, the new building will be used for the storage and warehousing use. *See condition #2*
 - ii. A manmade lagoon that was constructed for the hog farm was previously located on the property, but since the original CUP approval the lagoon has been filled and leveled under a wetland delineation approval from the US Army Corps of Engineers. The applicant has provided the Department of Development Services with a copy of the wetland delineation permit.
 - b. Operation
 - i. The applicant states that the facility will use the southeast area of the property for storing, repairing, and refurbishing construction equipment. The Letter of Intent identifies the type of equipment that will be used on-site as mainly forklifts, backhoes, and cranes with various types of foundation construction equipment such as drilling rigs and concrete pumps stored on the property as well as some construction materials. *See condition #3*
 - ii. In the Letter of Intent, the applicant states there will be 5 employees working on the site at any one time. Hours of operation will be Monday through Friday and some Saturdays from 7:00 AM to 7:00 PM. The facility will not operate on Sundays.
 - iii. The applicant indicates in the Letter of Intent that access to the property will be from 4400 South. All parking and loading/unloading of trucks will occur on the property inside the fenced area. The applicant anticipates about 1-to-2 semi-truck deliveries a week. *See condition #4*
 - iv. Power has been installed on the property as well as a 30,000-gallon dry fire hydrant as a condition of the previously approved CUPs to comply with the Fire District's requirements. The Fire District has previously approved the water suppression system.
 - v. Signage is proposed for the entrance gate that will display the address and company name. *See condition #5*
 - vi. Waste will be collected in a commercial dumpster and removed regularly.

B. Conditional Uses *See conclusion #1*

5. §17.06.050-B, Conditional Uses, directs the Land Use Authority to review conditional use permit (CUP) requests based on the standards and criteria that are defined therein and include:
 - a. Compliance with law;
 - b. Health, safety, and welfare;
 - c. Adequate service provision;

d. Impacts and mitigation.

C. Compliance with law *See conclusion #1*

6. The County Land Use Ordinance stipulates that:
 - a. The proposed conditional use must comply with the regulations and conditions specified in the County Code and other applicable agency standards for such use. *See conclusion #1*
 - b. The proposed conditional use must be consistent with the intent, function, and policies of the Cache County General Plan, Ordinance(s), and land use, and/or compatible with existing uses in the immediate vicinity. *See conclusion #1*
7. §17.02.060, Establishment of Land Use Authority, authorizes the Planning Commission to act as a Land Use Authority for a CUP. *See conclusion #1*
8. The subject property has not changed size or configuration since August 8, 2006 and is a legal parcel. There are existing structures on the property initially built for a hog farm.
9. §17.07.030, Use Related Definitions defines this use as “3400 Storage and Warehousing, and also specifically as #1. Storage Yard.”
10. §17.07.040, Definitions, defines “3400 Storage and Warehousing” as, “A structure(s) containing storage space(s) of varying sizes that are affiliated with a commercial or industrial uses. Such facilities are to be used for dead storage only. No business activities may be conducted from a storage facility other than those that are clearly ancillary to the primary business.”
 - a. Item #1 “Storage Yard” is further defined as, “The storage of large equipment and vehicles (either construction or transport); bulk construction materials (soil and rock products or building materials); and buildings or structures for uses such as offices or repair facilities.”
11. §17.09.030, Schedule of Uses by Zoning District, permits this use as a CUP in the Industrial (I) Zone only if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses as noted.
12. §17.10.040 Site Development Standards – The required setback from the property line in the Industrial (I) Zone is 30’. The storage of material or placement of structures within the setback area is not permitted. *See condition #3*
13. As the proposed kennel is located in the Industrial (I) Zone, the applicant must comply with Chapter 17.10 Development Standards of the Code including §17.10.030 Development Density and Standards Specific to Base Zoning Districts. The site plan submitted does not include all the information required as to screening, landscaping, etc. that is included in the required development standards for the Industrial Zoning District. *See condition #6*

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

14. The County Land Use Ordinance stipulates that:
 - a. Proposed CUP’s must not be detrimental to the public health, safety and welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A conditional use shall be considered detrimental if:
 - i. It causes unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar risks, and/or;
 - ii. It unreasonably interferes with the lawful use of surrounding property.
15. The primary activity of the proposed use is a storage and warehousing use/storage yard to store, repair, and refurbish construction equipment.
16. As discussed previously, the existing structures will no longer be used as part of the facility and a new building will be constructed in the southeast area of the property. *See condition #2*

17. The proposed use will be located on the 10-acre property and is surrounded by a water filtration plant infrastructure and agricultural uses. Within a mile of the subject property there are 4 parcels totaling 225 acres, with a home. At the time of the rezone request, the City Administrator for Hyrum City was contacted as the property is located within the City's future annexation area. The City Administrator stated that the future land use plan for that area is industrial and agricultural.

E. Adequate service provision *See conclusion #1*

18. The County Land Use Ordinance stipulates that:

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

19. Access: Access to the project will occur on multiple County roads.

20. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).

21. The Road Manual specifies the following:

- a. §2.1 Roadway Functional Classification – Minor Local Road (L): Minor local roads serve almost exclusively to provide access to properties adjacent to the road. Minor local roads generally serve residential or other non-commercial land uses. Many minor local roads are cul-de-sacs or loop roads with no through continuity. The length of minor local roads is typically short. Because the sole function of local roads is to provide local access, such roads are used predominantly by drivers who are familiar with them.
- b. Major Local Road (ML): Major local roads serve a dual function of providing access to properties that abut the road as well as providing through or connection service between higher road classification facilities. Major local roads may have significant local continuity and may operate at relatively high speeds. Because of the possibility of through traffic, a meaningful segment of traffic on major local roads may include drivers who are unfamiliar with the roads. Traffic on major local roads is largely composed of passenger vehicles or other smaller vehicle types. Where a significant proportion of traffic is trucks or other heavy vehicles, additional design considerations will be required.
- c. Table B-6 Typical Cross Section Minimum Standards: Minor local roads must meet the minimum standard of a 66-foot right-of-way, two 10-foot wide paved travel lanes with 4-foot wide gravel shoulders: 14-inches depth of granular borrow, a 6-inches depth of untreated base course, and 3 inches of bituminous surface course (asphalt).
- d. Major local roads must meet the minimum standard of a 66-foot right-of-way, two 10-foot wide paved travel lanes with 6-foot wide shoulders (2 feet paved and 4 feet of gravel): 14-inches depth of granular borrow, a 6-inches depth of untreated base course, and 3 inches of bituminous surface course (asphalt)
- e. Table B-8 Typical Cross Section Structural Values: The minimum structural composition for major and minor local roads requires 14" depth of granular borrow, 6" depth of road base, and 3" depth of asphalt.
- f. Section 12.02.020(B): Where land abutting an existing substandard street or road is subdivided or developed, the developer shall dedicate any necessary additional rights of way and improve the adjacent roadway to conform to the county's standard.

- g. Table 5.1 Cache County Access Management Standards – Commercial access is not permitted on minor local roads. *See condition #7*
- 22. A basic analysis of 1500 West is as follows:
 - a. Is an existing county facility that provides access to the general public.
 - b. Has a Major Collector classification with a Major Local Road functional classification.
 - c. Currently provides access to multiple vacant and agricultural parcels.
 - d. Consists of an average 20-foot paved width with a 2-foot wide gravel shoulder on the east side and a 1-foot wide gravel shoulder on the west side.
 - e. Is substandard as to paved and gravel shoulders, and clear zone. *See condition #7*
 - f. Is maintained year round.
- 23. A basic analysis of 4400 South is as follows:
 - a. Is an existing county facility that provides access to the general public.
 - b. Currently provides access to multiple vacant and agricultural parcels.
 - c. Is classified as a Major Collector road.
 - d. Consists of an average 20-foot paved width with 1-foot wide paved shoulders and an additional 1-foot wide gravel shoulder.
 - e. Is considered substandard as to shoulder (both gravel and paved) and clear zone. *See condition #7*
 - f. Is maintained year round.
- 24. Parking:
 - a. §17.22 Off Street Parking Standards – All uses included under Use Index 3000 require a minimum of one parking space per 250 square feet, or a Parking Analysis conforming to §17.07.040 General Definitions and §17.22 Off Street Parking Standards. *See condition #8*
 - b. According to the proposed construction plans for the new building it will be 4,000 square feet The ITE Parking Generation Manual provides average parking rate recommendations for a specialty trade contractor, including 1.76 spaces per 1,000 gross square feet, or 7 parking spaces for employees and customers. Additionally, an area for truck loading and unloading and turn arounds should be designated on a site plan to confirm the required parking does not conflict with other uses on the property. *See condition #8*
- 25. Refuse: Logan City Environment Department, Solid Waste Collection, reviewed the proposed use and confirmed that the facility will use a commercial front-load dumpster.
- 26. Fire: §16.04.080 [C] Fire Control – The County Fire District visited the site and reviewed the Letter of Intent. The Fire District confirmed that a water supply on site is required as well as a 20-foot wide fire department access road to any structures on site. *See condition #4 & #7*
- 27. Water: The applicant is planning on installing facilities that will require a culinary water right. There are currently two water rights associated with this property: #25-8024 & #25-11551. The water rights include a domestic culinary water share for a small shop with about 10 occupants as well as irrigation and stock water rights.
- 28. Septic: The Bear River Health Department will review requests for a waste water septic system and their approval must be included in the Zoning Clearance application submittal.

F. Impacts and mitigation *See conclusion #1*

- 29. Utah Code Annotated §17-27a-506, Conditional uses, item 2-a specifies that “A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.”
- 30. The County Land Use Ordinance stipulates that:

- a. Reasonably anticipated detrimental effects of the proposed conditional use must be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards.
 - b. Examples of potential negative impacts include but are not limited to odor, vibration, light, dust, smoke, noise, impacts on sensitive areas as defined by the Code, and/or disruption of agricultural practices.
- 31. Known or reasonably anticipated detrimental effects of the use are as follows:**
- a. Storm water/Site Development: Site development, construction activities, and continued use of the site during operation can reasonably be anticipated to have a detrimental effect on the surrounding properties due to storm water concerns. The applicant must provide a storm water report prepared by a licensed Engineer detailing how the proposed development will 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 even or a predevelopment hydrologic condition, whichever is less. *See condition #9*
 - b. Noise: Hours of operation for the use are between 7:00 AM and 7:00 PM Monday through Friday and some Saturdays according to the Letter of Intent. The uses on site have the potential to create detrimental amounts of noise including the refurbishing and repairing of construction equipment. However, given the location of the site and the surrounding agricultural and industrial uses it is not anticipated that the proposed use would create detrimental amounts of noise to uses on the existing, neighboring properties.
 - c. Traffic: Due to the type of business, number of employees, and truck deliveries, an increase in traffic has the potential to create detrimental impacts. The applicant must work with the County Engineer to confirm that the existing road meets the minimum road standards. Additionally, a detailed site plan is required to confirm access is sufficient, and is located to ensure the traffic entering and existing the proposed facility does not create conflicts with other users on the county roads. *See conditions #4, #7*
 - d. Potential contamination: Repairing and storing construction equipment has the potential to have detrimental effects on the soil and groundwater if the equipment or vehicles have leaks that are not prevented from entering the permeable surface. Applicant must provide a plan for containment of potential leaks for review to the County Engineer, and indicate any areas on the site that will be improved with impermeable surfaces for the proposed uses. *See condition #10*
 - e. Visual: The storage of equipment and construction materials may negatively impact the views from the surrounding roads and properties. A detailed site plan with locations identified for storage as well the height and materials of any existing or proposed fences is required to ensure compliance with Chapter 17.10 Development Standards of the Code including Section 17.10.030 Development Density and Standards Specific to Base Zoning Districts. *See conditions #3, #6*
 - f. Sensitive Areas:
 - i. USFWS Wetlands mapping identified possible wetlands present on a portion of the subject property. The applicant has previously worked with the Army Corps of Engineers and obtained approval to develop in the wetland areas. A copy of the approval letter is located in the 2020 CUP Amendment file.
 - ii. A canal runs along the property line parallel to 4400 South, the applicant must ensure development in the area does not impact the canal and obtain any required permission from the canal company prior to doing work in this area.

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

32. Public notice was posted online to the Utah Public Notice Website on 25 October 2021.
33. Notices were posted in three public places on 25 October 2021.
34. Notices were mailed to all property owners within 300 feet of the subject property on 25 October 2021.
35. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

Conditions

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

1. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. *(See A-4)*
2. Prior to recording the permit, a revised site plan must be submitted to the Development Services Department showing the proposed new building and indicating the three existing buildings will not be used as part of the storage and warehousing facility. *(A-4-a-i, D-16)*
3. The required setback from the property line in the Industrial (I) Zone is 30'. The storage of material or placement of structures within the setback area is not permitted. Proposed storage areas must be shown on the revised site plan. *(See A-4-b-i, C-12, F-31-e)*
4. Prior to recording the permit, the applicant must obtain approval for the location of the access points along 1500 West and 4400 South from the County Engineer to ensure they meet distancing and safety requirements. Any work done in the county right-of-way requires approval of an Encroachment Permit prior to the work being done. *(See A-4-b-iii, E-26, F-31-c)*
5. Any proposed signage must obtain approval of a Zoning Clearance and, if necessary, a building permit prior to installation. *(A-4-b-v)*
6. The proposed facility must comply with the Chapter 17.10 Development Standards of the Code including Section 17.10.030 Development Density and Standards Specific to Base Zoning Districts. Prior to recording the permit, a revised site plan and Letter of Intent must be submitted to reflect that these standards are being met. *(See C-13, F-31-e)*
7. Prior to recording the permit, the applicant must work with the County Public Works Department to make the necessary road improvements. The applicant must provide written confirmation from the County Engineer to the Development Services Department that any required road improvements and other applicable issues with the roads and access have been resolved prior to recordation. The proponent must pay all engineering costs associated with the road review. *(See E-21-g, E-22-e, E-23-e, E-26, F-31-c)*
8. Prior to recording the permit, a site plan detailing the location of the required parking must be submitted to and approved by the Department of Development Services Office. Alternatively, a Parking Analysis as defined by the Cache County Land Use Ordinance may be submitted to the Development Services Office for the review and approval of the Director to determine the number of parking spaces needed for the facility. Evidence of professional licensure in the State of Utah must also be provided by the person preparing the analysis. The proponent must pay all engineering costs associated with the review of the Parking Analysis. *(E-24-a, E-24-b)*
9. Prior to recording the permit, the applicant must submit a stormwater report prepared by a licensed engineer detailing how the proposed development will 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. The

report must be submitted to the Public Works Department for review and approval from the County Engineer. Written confirmation from the Public Works Department confirming compliance with this requirement must be provided to the Development Services Department. comply with all regulations of the State and Federal governments for construction, reclamation, et cetera, and submit a copy of any required permitting to the Development Services Office. (*See F-31-a*)

10. Prior to recording the permit, the applicant must provide a plan to the County Engineer for the prevention and containment of potential leaks from equipment and vehicles related to the proposed uses. The applicant must provide written confirmation from the Public Works Department to the Development Services Department that the plan submitted has been reviewed and approved by the County Engineer. Additionally, a description regarding the disposal of non-hazardous waste must be provided to the Development Services Department. (*F-31-d*)

Conclusions

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

1. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Land Use Ordinance, and; (*See C, D, E, F*)
2. As per §17.02.060, Establishment of Land Use Authority, the Planning Commission is authorized to act as the Land Use Authority for this CUP request. (*See C-7*)

September 10, 2021

Parcel ID#: 03-058-0022

Address: 1500 West 4350 South, Nibley, Utah 84321

Letter of Intent (CUP):

This CUP application is a re-application of a previous CUP application that recently expired. Some of the content of the original letter of intent has been changed but the intent is still the same with some modifications.

The subject property consists of a nearly flat, square shaped 10 acre zoned industrial (I) lot. It is surrounded by a water treatment plant to the North and agricultural fields to the South, West and East sides. The property has a 5 foot tall fence along the West and South sides and access to the property is from the South along 4400 South. Main access is currently from a driveway on 4400 South where a driveway is being constructed.

Currently the property has 3 agricultural buildings with a combined area of about 8,500 sf. The buildings are located in the Southwest portion of the property. These building will not be used for or are part of the proposed use.

Power is available on the property.

A septic system was approved by Bear River Health Department

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

A 30,000 gal dry fire hydrant is installed on the property as part of the original CUP. The hydrant has been tested and approved by the Cache County Fire Department in 2020.

The intent of this application is to develop the Southeast quadrant of the property for storing, refurbishing and repairing construction equipment. This will include erecting a new 3900 sf shop structure and grading the area around it. A civil drawing set has been provided for added description.

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

Access is planned to be at the current main access point on 4400 South. Employee and visitor parking will be provided outside the proposed shop structure. Semi-truck delivery is expected once or twice a week. Truck turnaround will be provided on the open part of the proposed

development area North and East of the proposed shop structure and will consist of a graded lot space.

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

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

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

Detailed plans for the shop structure will be submitted following approval and recording of the CUP.

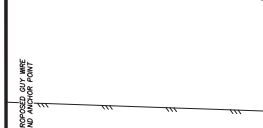
SITE/UTILITY PLAN

DANFORS BROTHERS
DEVELOPMENT
4350 S. 1500 W.
CACHE COUNTY, UTAH

DATE: FEBRUARY 2020
SCALE: 1" = 30'
DRAWN BY: D. AUSTIN
CHECKED BY: E. BARR
APPROVED BY: J. BARR
PROJECT: 15100206
SHEET: C-2.0

Cache # Landmark
Engineering
Business
95 Golf Course Rd.
Suite 100
Lark Creek UT 84321
435.713.0099

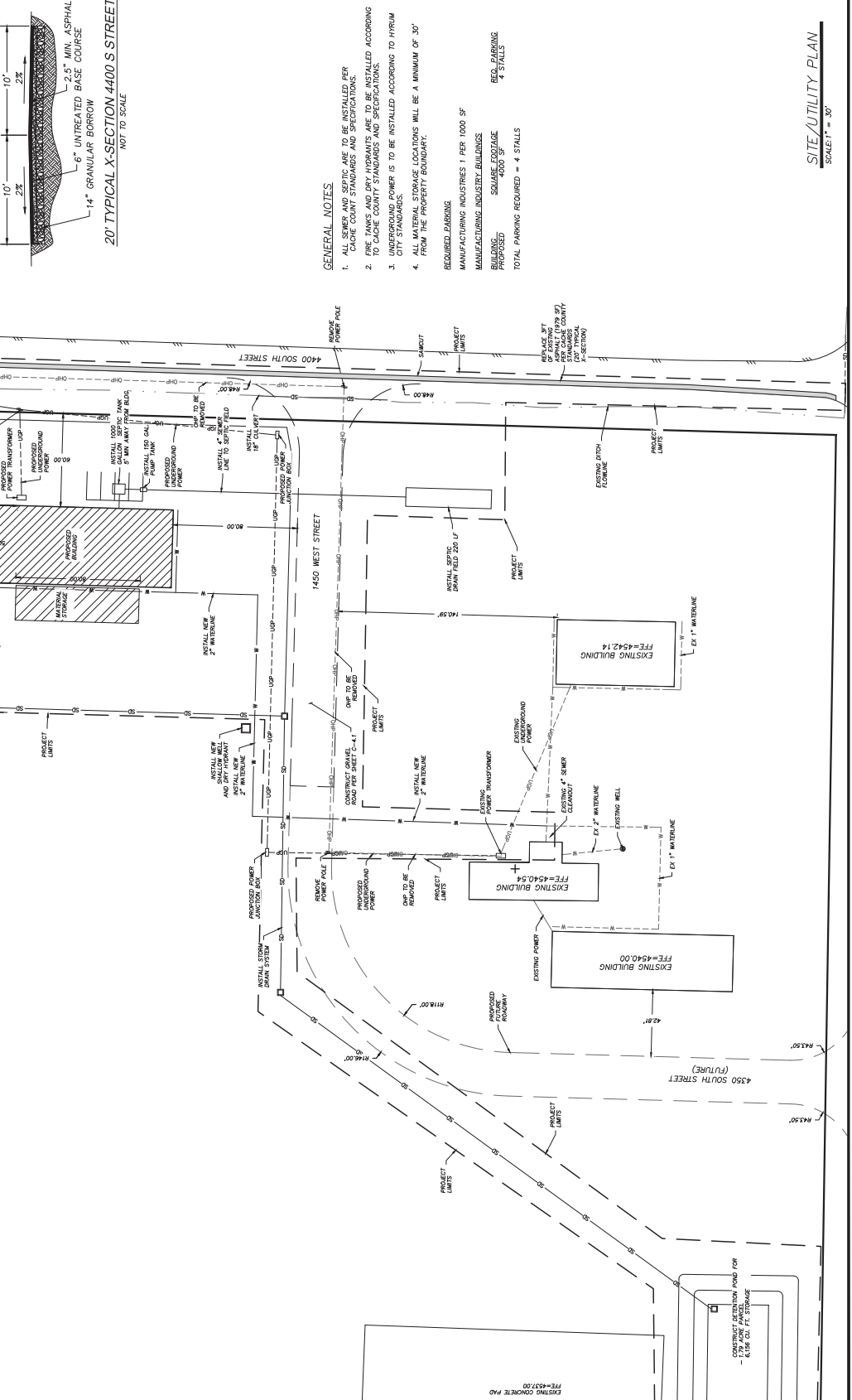
NO. DATE DESCRIPTION



1. ALL SEWER AND SEPTIC ARE TO BE INSTALLED PER CACHE COUNT STANDARDS AND SPECIFICATIONS.
2. FIRE TANKS AND DRY HYDRANTS ARE TO BE INSTALLED ACCORDING TO CACHE COUNTY STANDARDS AND SPECIFICATIONS.
3. UNDERGROUND POWER IS TO BE INSTALLED ACCORDING TO HYRUM CITY STANDARDS.
4. ALL MATERIAL STORAGE LOCATIONS WILL BE A MINIMUM OF 30' FROM THE PROPERTY BOUNDARY.

REQUIRED PARKING
MANUFACTURING INDUSTRIES 1 FEET 1000 SF
MANUFACTURING/INDUSTRY BUILDINGS
BUILDING SQUARE FOOTAGE
PROPOSED 4000 SF
TOTAL PARKING REQUIRED = 4 STALLS

REPLACE SET
ASPHALT (P 29.57)
CACHE COUNTY
STANDARDS
SECTION
X-SECTION



SITE/UTILITY PLAN
SCALE: 1" = 30'

Memorandum

4 November 2021

To: Planning Commission
Subject: Bryan Hansen Conditional Use Permit
Action: Consider request for modification to Condition #6

The Bryan Hansen Conditional Use Permit was approved with conditions by the Planning Commission on September 2, 2021 to operate a commercial kennel facility (Use Type 3300). The staff report with the lists of conditions of approval is attached for your review (Attachment A).

The applicant has submitted a request (Attachment B) for the Planning Commission to consider modifying Condition #6 regarding compliance with Chapter 17.10.030 Development Density and Standards Specific to Base Zoning Districts that requires screening and landscape for commercial and industrial properties adjacent to agricultural or residential zones. The specific request is to waive the fencing requirement along the east property boundary, and to recognize the existing planting areas as sufficient for meeting the minimum 10% planting requirement.

Chapter 17.10.030(f) does allow the Planning Commission to modify these requirements as follows:

17.10.030: DEVELOPMENT DENSITY AND STANDARDS SPECIFIC TO BASE ZONING DISTRICTS:

A. *Commercial (C) And Industrial (I) Zones:* The following site development standards shall be complied with in the Commercial (C) and Industrial (I) Zoning Districts:

1. *Screening And Landscaping:*

a. *Where any commercial or industrial lot shares a common boundary with property zoned A10, RU5, or RU2, a screen shall be provided at least six feet (6') in height. The screen may be a fence, wall, berm or approved landscaping or some combination of the same.*

b. *All mechanical equipment related to the building, including heating and air conditioning units and trash dumpsters, shall be completely screened from surrounding properties by use of a solid screening fence or wall six feet (6') in height or shall be enclosed within a building. Trash dumpsters shall be located a minimum twenty-five feet (25') from any property zoned A10, RU5, or RU2.*

c. *Wherever off street parking areas are situated across the roadway from property zoned A10, RU5, or RU2, a berm or retaining wall in conjunction with a berm, three feet (3') in height shall be constructed within the required setback to adequately screen the parking.*

d. *Landscaping shall be required on ten percent (10%) of the gross area of the proposed project site. Gross area is interpreted as the total project site area remaining after any required road right-of-way dedication.*

e. *All landscaping shall be maintained in a healthy, neat, and orderly condition free of weeds and litter. All paved areas, walls, or fences shall be in good repair without broken parts, holes, potholes, or litter.*

f. *The Planning Commission may modify any provision of the screening and landscaping sections of this chapter if strict adherence to a requirement should be delayed or is deemed unnecessary.*

Staff Report: Bryan Hansen CUP

2 September 2021

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 Hansen

Parcel ID#: 09-026-0068

Staff Determination: Approve with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

Project Location

Reviewed by Angie Zetterquist

Project Address:

1015 East 12600 North
Cove

Current Zoning:

Commercial

Acres: 2.17

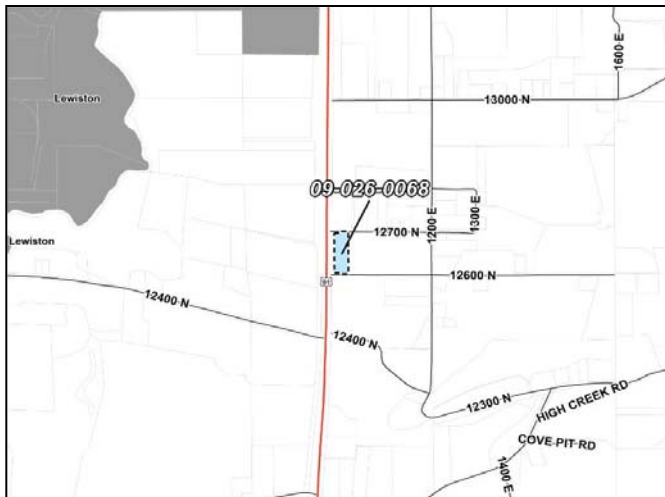
Surrounding Uses:

North – Agricultural/Residential

South –Agricultural/Residential

East –Agricultural/Residential

West – Agricultural/US Hwy 91



Findings of Fact

A. Request description

1. The Bryan Hansen Conditional Use Permit (CUP) is a request to operate a commercial kennel (Use Type 3300) on 2.17 acres located at 1015 East 12600 North, Cove, in the Commercial (C) Zone.
2. The project is described in the applicant’s Letter of Intent and Site Plans (Attachment A).
See Conditions #1 & #4
 - a. The proposed commercial kennel facility will be known as “Nature’s Kennels and Boarding” and will provide the following services for canines (i.e., dogs): daycare, boarding, exercise, socialization, and training for a maximum of 30 dogs.

Attachment A

- b. Hours of operation as proposed in the Letter of Intent are 7:00 AM to 6:00 PM, Monday through Friday, 9:00 AM to 1:00 PM on Saturday, and closed on Sunday. Outside the hours of operation, the canines who are boarding at the facility will be crated or kenneled. Access to the kennel areas for dogs boarding at the facility is proposed to be from 6:00 AM to 8:00 PM Monday through Saturday.
- c. Canines will have free roam of the kennel facility during the hours of operation and will receive exercise and socialization with other canines.
- d. A 6-foot-high fence is proposed around the perimeter of the kennel, with 3 feet of buried fence on the inside to prevent digging. Construction of an additional interior and exterior fence could also be built with 2-4 inches of rock between fences to further prevent dogs from digging/escaping the kennel; a black mesh lining will be added to cover the west fence line to prevent traffic from being distracted by the dogs; and outdoor cameras will be placed on the north and south end of the kennel for owners to check on their dogs throughout the day and for employees to keep watch on all canines; an additional camera will be placed within the boarding shed.
- e. A shipping container covered by a shade structure is proposed as an interior kennel area for resting the canines and to provide boarding services. The container is proposed to be temperature controlled with heating and air conditioning with power provided through generators. *See condition #7*
- f. Other services provided at the facility include: daily leash training, recall training, anti-barking/dig training, crate training, and environmental training based on needs.
- g. The letter of intent states that when a canine is registered with the facility, proof of current vaccinations for rabies, bordetella, and DHLPP (distemper, hepatitis, parainfluenza, parvovirus) is required. Additionally, the canines will go through a behavior evaluation conducted by a Certified Canine Handler/Trainer to evaluate temperament. Based on the behavior evaluation and size, a canine will be placed in a larger or smaller fenced kennel section. If necessary, a canine may also receive additional training before admittance to the kennel is approved.
- h. Employees will routinely pick up waste generated by the dogs throughout the day within the kennel. Per the Letter of Intent, canine waste will be collected and may be harrowed into the adjacent agricultural fields owned by Clair Allen, who has agreed to this arrangement. Staff also recommends that the waste should be discarded into a trash bin for pickup and disposal at the regional landfill. *See condition #2.*
- i. The equipment required for the operation of the facility includes a harrow to distribute waste in the adjacent field, and generators to provide climate control for the boarding kennel in the container. No deliveries to or from the business are anticipated other than the potential transport of canines to the facility are anticipated.
- j. The Letter of Intent states that the proposed kennel will operate within an existing circle driveway located at the north end of the subject property with customer access from 12600 North. Customer parking will be provided on the south end of the proposed kennel area with employee parking provided on the south east side of the existing building located at the corner of 12600 North and Highway 91. *See condition #3*

Attachment A

B. Conditional Uses *See conclusion #1*

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

C. Compliance with law *See conclusion #1*

4. The County Land Use Ordinance stipulates that:
 - a. The proposed conditional use must comply with the regulations and conditions specified in the County Code and other applicable agency standards for such use.
 - b. The proposed conditional use must be consistent with the intent, function, and policies of the Cache County General Plan, Ordinance(s), and land use, and/or compatible with existing uses in the immediate vicinity.
5. §17.02.060, Establishment of Land Use Authority, authorizes the Planning Commission to act as a Land Use Authority for a CUP. *See conclusion #2*
6. §17.07.030, Use Related Definitions. The proposed use is best defined under “Use Type 3300, Commercial Kennel/Animal Shelter”. Per the definition in §17.07, Commercial Kennel/Animal Shelter is defined as any establishment where the boarding, grooming, breeding, raising, and/or otherwise keeping of 13 or more adult dogs or cats occurs or the requirements of a Home Based Kennel or Rural Kennel cannot be met. A Commercial Kennel/Animal Shelter must comply with the following requirements: 1) the kennel must include a structure and fenced area to confine the dogs to the subject property. Dogs are prohibited from crossing on adjacent properties unsupervised. The structure and fenced area must be of a sufficient size and height to accommodate and contain the particular breed(s) or dogs at the kennel. At the time of application, the applicant must provide detailed information and elevations for the structure and/or fenced area as part of their submittal. 2) All kennel facilities must be a minimum of 50 feet from the property boundary and a minimum of 20 feet from the caretaker residence, if present. 3) Noise levels from the kennel shall not exceed 10 decibels above the existing ambient noise levels at the property line at any time of day or night. A sound level impact and assessment report prepared and signed by a qualified professional must be provided prior to recordation to establish the existing ambient noise levels. *See Conditions #4, #6, #11, & #14*
7. The County Council approved a rezone request from the Agricultural (A10) Zone to the Commercial (C) Zone on the subject property on April 27, 2021 per Ordinance 2021-12.
8. §17.09.030, Schedule of Uses by Zoning District, permits this use as a CUP in the Commercial (C) and Industrial (I) Zones if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses as noted.
9. Parcel status: The subject property is legal as it existed as of August 8, 2006 and has only changed configuration due to road improvements and dedications.
10. There are no approved and/or active Conditional Use Permits on the subject property. However, in the revised Letter of Intent, the applicant states that: “Currently at the proposed building location, Allen Gravel parks trucks, stores parts and supplies, and stock piles products between uses. Virtually no business transactions occur at the location.” This description differs from information in the original Letter of Intent. The applicant continues that: “The current usage of the property will in no way be stopped or impacted by the building of Nature’s Kennel

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and Boarding. All current uses will be able to continue as is as Nature's Kennel and Boarding will be utilizing the unused area of the property." The existing use must be reviewed to determine if any approvals are required to operate on the subject site. If approval of a Conditional Use Permit for the existing use is required, the subject property is considered restricted and permits cannot be issued until the use has come into compliance or the operations cease. *See condition #5*

11. As the proposed kennel is located in the Commercial (C) Zone, the applicant must comply with Chapter 17.10 Development Standards of the Code including §17.10.030 Development Density and Standards Specific to Base Zoning Districts. The site plan submitted does not include all the information required as to screening, landscaping, etc. that is included in the required development standards for the Commercial Zoning District. *See condition #6*

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

12. The County Land Use Ordinance stipulates that:

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

13. The primary activities as identified within the Bryan Hansen CUP Letter of Intent are proposed to only occur on the subject parcel and will not cause unreasonable risks to the safety of persons or property and it does not unreasonably interfere with the lawful use of surrounding properties so long as the conditions of approval are met.

- a. Approval of a zoning clearance and building permits may be required to ensure compliance with the applicable codes. *See condition #7*

E. Adequate service provision *See conclusion #1*

14. The County Land Use Ordinance stipulates that:

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

15. Access: Access to the project will occur on multiple County roads.

16. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).

17. The Road Manual specifies the following:

- a. §2.1 Roadway Functional Classification – Minor Local Road (L): Minor local roads serve almost exclusively to provide access to properties adjacent to the road. Minor local roads generally serve residential or other non-commercial land uses. Many minor local roads are cul-de-sacs or loop roads with no through continuity. The length of minor local roads is typically short. Because the sole function of local roads is to provide local access, such roads are used predominantly by drivers who are familiar with them.
- b. Major Local Road (ML): Major local roads serve a dual function of providing access to properties that abut the road as well as providing through or connection service between higher road classification facilities. Major local roads may have significant local continuity and may operate at relatively high speeds. Because of the possibility of through traffic, a

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meaningful segment of traffic on major local roads may include drivers who are unfamiliar with the roads. Traffic on major local roads is largely composed of passenger vehicles or other smaller vehicle types. Where a significant proportion of traffic is trucks or other heavy vehicles, additional design considerations will be required.

- c. Table B-6 Typical Cross Section Minimum Standards: Minor local roads must meet the minimum standard of a 66-foot right-of-way, two 10-foot wide paved travel lanes with 4-foot wide gravel shoulders: 14-inches depth of granular borrow, a 6-inches depth of untreated base course, and 3 inches of bituminous surface course (asphalt).
 - d. Major local roads must meet the minimum standard of a 66-foot right-of-way, two 10-foot wide paved travel lanes with 6-foot wide shoulders (2 feet paved and 4 feet of gravel): 14-inches depth of granular borrow, a 6-inches depth of untreated base course, and 3 inches of bituminous surface course (asphalt)
 - e. Table B-8 Typical Cross Section Structural Values: The minimum structural composition for major and minor local roads requires 14” depth of granular borrow, 6” depth of road base, and 3” depth of asphalt.
 - f. Section 12.02.020(B): Where land abutting an existing substandard street or road is subdivided or developed, the developer shall dedicate any necessary additional rights of way and improve the adjacent roadway to conform to the county’s standard.
18. Table 5.1 Cache County Access Management Standards – Commercial access is not permitted on minor local roads. *See condition #3, 8*
19. A basic review of the access to the subject property identifies the following:
- a. The subject property has direct access to Highway 91 and 12600 & 12700 North.
20. Highway 91
- a. Is classified as a Minor Arterial.
 - b. Is a State facility under the jurisdiction of UDOT.
 - c. Has year round maintenance.
 - d. Commercial access is not permitted on County roads classified as Minor Local Roads, if required improvements cannot be met to allow access off the County roads, access must come from Hwy 91. *See condition #8*
21. 12600 North:
- a. Is a County facility.
 - b. Is a small section of road, less than a mile long that provides access to multiple agricultural fields, approximately 5 single-family dwellings, a metal fabrication shop, and two gravel pits.
 - c. Is classified as a Minor Local road.
 - d. The Road Manual does not allow commercial access to roads classified as Minor Local roads. Commercial access is allowed on a Local Major road. *See condition #3*
 - e. Has an average paved width of 20 feet with a 1-foot wide paved shoulder and 5-foot gravel shoulders.
 - f. Right-of-way varies along the length of the road.
 - g. Has year round maintenance provided by the County.
 - h. Is considered substandard for right-of-way and shoulder width. *See condition #9, #10*
22. 12700 North:
- a. Is a County facility.
 - b. Is also a small section of road that provides access to multiple agricultural fields and single-family dwellings.
 - c. Is classified as a Minor Local road.

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- d. The Road Manual does not allow commercial access to roads classified as Minor Local roads. Commercial access is allowed on a Local Major road. **See condition #3**
- e. Has an average paved width of 20 feet with a 1-foot wide paved shoulder and 5-foot gravel shoulders.
- f. Right-of-way varies along the length of the road.
- g. Has year round maintenance provided by the County.
- h. Is considered substandard for right-of-way and shoulder width. **See condition #9, #10**

23. Parking:

- a. §17.22 Off Street Parking Standards – Uses included under Use Index 3000, Sales and Services, require either 1 parking space per every 250 square feet or a Parking Analysis conducted, per §17.07.040 and §17.22.020 B, to determine the required number of parking spaces needed. Site plan must be revised to show required parking spaces. **See condition #11**

24. Refuse:

- a. As stated in the Letter of Intent, Employees will routinely pick up waste generated by the dogs throughout the day within the kennel. Per the Letter of Intent, at the end of each day waste will either be harrowed into the adjacent agricultural fields owned by Clair Allen, who has agreed to this arrangement. Waste could also be discarded into a trash bin for pick up and disposal at the regional landfill. Logan Environmental did not provide comments on this request. **See condition #2.**

- 25. Fire: §16.04.080 [C] Fire Control – The County Fire District requires the submittal and approval of a plan review from their department if any structures are proposed. **See condition #12**

F. Impacts and mitigation See conclusion #1

- 26. Utah Code Annotated §17-27a-506, Conditional uses, item 2-a specifies that “A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.”

27. The County Land Use Ordinance stipulates that:

- a. Reasonably anticipated detrimental effects of the proposed conditional use must be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards.
- b. Examples of potential negative impacts include but are not limited to odor, vibration, light, dust, smoke, noise, impacts on sensitive areas as defined by the Code, and/or disruption of agricultural practices.

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

- a. Storm water/Site Development: Site development, construction activities, and continued use of the site during operation can reasonably be anticipated to have a detrimental effect on the surrounding properties due to storm water concerns. The applicant must provide a storm water report prepared by a licensed Engineer detailing how the proposed development will 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 even or a predevelopment hydrologic condition, whichever is less. **See condition #13**
- b. Waste disposal: The commercial kennel has the potential to produce a significant amount of animal waste product on a daily basis. In the Letter of Intent, the applicant is proposing to collect the animal waste daily and either harrow it into the grass on the existing property

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or on an adjacent property. The distribution of untreated animal waste on a commercially zoned property has the potential to negatively impact the customers of the facility as it may draw numerous flies and other pests to the site. Waste disposal must be collected and taken to the adjacent parcel on a daily basis to be harrowed into the agricultural field. Alternatively, waste can be discarded into a trash bin for pick up and disposal at the regional landfill. Animal waste cannot be disposed of on the subject property. *See condition #2*

- c. Noise: Noise generated from multiple dogs at a commercial kennel has the potential to produce reasonable anticipated detrimental effects. The applicant has provided a sound study by Brock Ostermiller as part of his application submittal. Mr. Ostermiller owns and operates a decibel meter reader device that the applicant suggests is sufficient qualification to conduct the study. However, additional legal review is needed as the applicant includes an interpretation by his attorney specific to the County Code provision that a “*qualified professional*” complete the required sound study. *See condition #14*
- d. Parking: The application is proposing a shipping container to be utilized as an indoor kennel and boarding facility. Per the definition of a commercial kennel/animal shelter, the use must include a structure and a fenced area to confine dogs. In his revised Letter of Intent, the applicant states the structure for the commercial kennel will consist of a 40-foot by 8-foot (320 sq.ft.) storage container. Based on the size of the storage container, 2 parking spaces are required at 1 space for every 250 square feet. Alternatively, a Parking Analysis that conforms to the requirements of the code can be submitted for review and approval. *See condition #11*

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

- 29. Public notice was posted online to the Utah Public Notice Website on 28 June 2021.
- 30. Notice was published in the Herald Journal on 29 June 2021.
- 31. Notices were posted in three public places on 28 June 2021.
- 32. Notices were mailed to all property owners within 300 feet of the subject property on 28 June 2021.
- 33. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

Conditions

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

- 1. The applicant and operator(s) must abide by the information as provided in the application and the information and conditions as identified in this report. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. Revised site plans must include, but are not limited to, the site improvement plan, site grading, site drainage, and other site details including required setbacks from the property line after the road dedications have been made. (*See A-2*)
- 2. Prior to recordation of the permit, the applicant must provide written confirmation that any waste product removed from the kennels will be placed on the adjacent agricultural parcel (i.e., the “Clair Allen parcel”) and harrowed into the field on a daily basis, or discarded into a trash bin for pickup and disposal at the regional landfill. Waste product cannot be disposed on the commercially zoned subject property. (*See A-2-g, E-24-a, F-28-b*)
- 3. Commercial access is not permitted on minor local roads (i.e., 12600 & 12700 North). Prior to recording the permit, the site plan must be revised to show where the approved access is

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located; either off of US Highway 91 with permission from UDOT or on 12600 and/or 12700 North with approval from the Public Works Department if improvements are approved and completed to meet the Major Local Road standard of the Road Manual. (*See A-2-i, E-21-d, E-22-d*)

4. Prior to recording the permit, all required documentation including revisions to the Letter of Intent and site plans must be reviewed and approved by the Director of Development Services to confirm the revisions meet the requirements of the County Code and the approval of the Land Use Authority. Required revisions include, but are not limited to, a revised site plan to show the minimum 50-foot setback is being met and the submission of a noise study that meets the Code requirements. Any revisions that deviate from this approval and/or the Code requirements, must be reviewed and approved by the Land Use Authority and additional conditions may apply to ensure compliance. (*See A-2, C-6*)
5. Prior to recording the permit, the existing use on the subject property as detailed in the Letter of Intent must be reviewed to determine the designated Use Type and if any approvals are required to operate on the subject site. If approval of a CUP is required for the existing use, the subject property is considered restricted and permits cannot be issued, including the recordation of this permit, until the existing use obtains the required approvals for the use type and comes into compliance with the County Code. Alternatively, all existing operations must cease and written confirmation from the property owner that any unapproved uses have stopped and will not resume until such time that the required permits have been obtained must be submitted prior to recording this permit. (*See C-10*)
6. The proposed commercial kennel must comply with the Chapter 17.10 Development Standards of the Code including Section 17.10.030 Development Density and Standards Specific to Base Zoning Districts. Prior to recording the permit, a revised site plan and Letter of Intent must be submitted to reflect that these standards are being met. (*See C-6, C-11*)
7. The applicant must obtain any required zoning clearances and building permits for proposed structures prior to construction. (*See A-2-j, D-13-a*)
8. Prior to recording the permit, the applicant must provide all permits, approvals, and certificates of completion from UDOT to the Development Services Department for required improvements to US Hwy 91 necessary to obtain access to the subject property and proposed facility from the highway. (*See E-18, E-20-d*)
9. Prior to recording the permit, the applicant must comply with Section 12-02-020(B) of the County Code and dedicate any necessary additional rights of way and improve the adjacent roadway to conform to the County's standards. Roadway plans prepared by a licensed professional must be submitted to the Public Works Department for review and approval. Any additional costs associated with the review of the roadway plans are the responsibility of the applicant. All required setbacks must be taken from the property line location after the required road dedication. (*See E-21-h, E-22-h*)
10. The applicant must obtain any required encroachment permits for work on county roads or within county rights-of-way prior to construction. (*See E-21-h, E-22-h*)
11. Prior to recording the permit, the revised site plan must identify the location of the required parking spaces for the review and approval of the Director of Development Services. Alternatively, the applicant can provide a Parking Analysis as defined in the County Code for review and approval by the Public Works Department to confirm the analysis' conclusion of the required number of parking spaces for the proposed use. (*See C-6, E-23a, F-28-d*)

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12. Prior to issuance of a zoning clearance, the applicant must submit a plan review to the Fire District for review and approval. A copy of any permits and approvals required from the Fire District must be submitted to the Development Services Office. *(See E-25)*
13. Prior to recording the permit, the applicant must submit a stormwater report prepared by a licensed engineer detailing how the proposed development will 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. The report must be submitted to the Public Works Department for review and approval from the County Engineer. Written confirmation from the Public Works Department confirming compliance with this requirement must be provided to the Development Services Department. comply with all regulations of the State and Federal governments for construction, reclamation, et cetera, and submit a copy of any required permitting to the Development Services Office. *(See F-28-a)*
14. Prior to recording the permit, the applicant must provide a noise study that meets the requirements of the Code. Additional legal review is also needed as the applicant includes an interpretation by his attorney as to the County Code requirements as to who is a “*qualified professional*” to complete the noise study. *(See C-6, F-28-c)*

Conclusions

Based on the findings of fact and conditions noted herein, the Bryan Hansen CUP is hereby approved as follows:

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

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Bryan Hansen
1015 East 12600 North
Cove, UT 84320
boldk9solutions@gmail.com

August 6, 2021

Development Services Department
Planning Commission
179 North Main, Suite 305
Logan, UT 84321

I, Bryan Hansen, am applying for a license to operate a commercial kennel under the name of Nature's Kennel and Boarding located at 1015 East 12600 North Cove, UT 84320. For which the contact number is 435-760-2065.

Nature's Kennel and Boarding has a 5 year goal of having a location closer to Logan, with an indoor and outdoor facility. The current business proposal is the beginning stages of the business and none of the proposed facilities will be permanent. Everything that Nature's Kennel and Boarding is proposing to build or add onto the property located in Cove, is meant to be mobile and easily moveable within a single day. The purpose of this is to save on funds and to get the business off the ground, in the event of capacity being reached, the facility can easily be moved to a permanent location where a larger capacity can be maintained.

Business Operations:

Nature's Kennel and Boarding, veteran owned and operated, will provide the following services for canines: daycare, boarding, exercise, socialization, and training. Nature's Kennel and Boarding will be owner operated until 75% capacity is reached at which point one additional employee may be hired if needed. Maximum capacity for the Kennel may be 30 dogs, depending on the final dimensions of the fenced kennel. If the proposed dimensions are approved 75% capacity would be 22 dogs.

Upon registration with Nature's Kennel and Boarding, canines may be screened through the following process: Canine owners will be required to show proof of current vaccinations for Rabies, Bordetella, and DHLPP (distemper, hepatitis, parainfluenza, parvovirus). Canines will go through a behavior evaluation conducted by a Certified Canine Handler/Trainer, in which temperament will be evaluated. Based on the results of the behavior evaluation, the canine's placement will be determined. Canines will be separated by size and behaviors. Canines may also receive additional environmental training, if needed, before admittance to the kennel is approved. Additional training may include socialization, environmentals, anti-bark/dig, etc.

Hours of Operation:

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Nature's Kennel and Boarding is proposing to operate between the hours of 8am to 5pm, Monday through Friday and 9am to 1pm on Saturday, closed Sunday. Proposed pickup/drop off times are from 7am to 8am and 5pm to 6pm, Monday through Friday and 8am to 9am and 1pm to 2pm on Saturday. Hours may vary based on the amount of pickup/drop off..... clients per day.

Daycare Facility;

The facility is proposed to be a 100x100 feet fenced kennel, and 6' in height. The north end of the kennel is proposed to have rounded corners to allow for a circle driveway around the kennel that may fit double trailer trucks. (see *Current Property Use*) See attached Site Plan for specifics. At the base of the fence, it is proposed to have 3' of fence buried on the inside of the fence to prevent digging. The interior of the kennel is proposed to be filled with beach sand. Within the kennel, there may be some form of canopies or shade provided to keep the canines cool in the summer and to protect from precipitation in the winter and spring. The suggested canopies may be roughly 14x14 ft, standing 7' high.

Based on the proposed kennel facility, Nature's Kennel and Boarding will provide daycare services to canines that can be utilized by all customers, including boarding customers, between the hours of operation. Canines will have access to the kennel facility while at the kennel based on the results of the behavior evaluation. During operational hours canines may receive exercise and socialization with other canines. Canines may receive daily leash training, recall training, anti-bark/dig training, crate training, and environmental training based on needs. Canines may be rotated between the fenced kennel and the boarding facilities to prevent overexhaustion, dehydration, aggression, etc.

Pickup/Drop off:

Due to Nature's Kennel and Boarding being located on the far north end of the valley, a pickup/drop off location may be provided to customers who do not wish to make the commute out to Cove. If a pickup/drop off location is provided, Nature's Kennel and Boarding may obtain a trailer, such as a Deerskin Trailer, which can safely transport up to 20 canines. Each dog box will be appropriately cooled or heated and have open paneling for the canines to be able to see out of the dog box to prevent any further anxiety. The trailer will be parked at a central location, such as IFA in North Logan, during the pickup/drop off hours, where, for a small fee, an employee of Nature's Kennel and Boarding will assist clients with loading/unloading their canine during the pickup/drop off times.

Boarding:

Nature's Kennel and Boarding is proposing to use a 40x8 feet shipping container as the boarding facility for Canines who stay overnight. The shipping container may be placed within the fenced kennel for easy access to the kennel facility. The container will have AC and heating, which may be powered through the use of generators. Within the container there may be a range of dog crates varying in size, holding up to 30 crates, as well as 2-4 large dog kennels. Crates may vary in size. Kennels may be either 5x5, 10x5, or 10x10. Canines will be housed in

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the crates and Kennels overnight, and may be used during the hours of operation for training purposes or to prevent canines from overexhaustion, dehydration, aggression, etc.

Canines who will be using the boarding facilities will have access to the kennel facilities between the hours of 6am to 8pm Monday through Saturday. Outside of these hours, boarding canines will be housed in the boarding facilities. They will be fed at the time(s) and with the food requested by owners. As for urination/defecation, boarded canines will use the kennel facilities which they will have access to between the hours listed above.

Within the boarding facility there may be an office space used for storing items that belong to boarded canines (leashes, food, toys, etc.), and conducting business transactions. The office may be 4x4 space consisting of a counter/desk, chair, computer, and any needed filing system. The only equipment required for the operation of Nature's Kennel and Boarding is a harrow which may be operated by employees. No deliveries to or from the business will be required.

Current Property Use:

Currently at the proposed building location, Allen Gravel parks trucks, stores parts and supplies, and stock piles products between uses. Virtually no business transactions occur at the location. The current usage of the property will in no way be stopped or considerably impacted by the building of Nature's Kennel and Boarding. All current uses will be able to continue as Nature's Kennel and Boarding will be utilizing the unused area(s) of the property.

Possible Safety Measures:

1. The kennel may utilize 2"- 4" rock beneath the buried fence to prevent canines from digging/escaping the kennel.
2. A black mesh lining may be utilized to cover the interiety of the west fence line to prevent passing traffic from distracted driving and/or to prevent canines from barking at traffic.
3. Outdoor cameras may be placed on the north and south end of the kennel for canine owners to check on their canine throughout the day, and for employees to keep additional watch on all canines. Additional cameras may also be placed within the boarding facility.

Impacts and Mitigation:

Waste Disposal:

To dispose of waste generated by the canines, employees will routinely pick up waste throughout the day within the kennel. At the end of each working day, the waste may be harrowed into the neighboring agricultural field(s) owned by Clair Allen who has agreed to accept these conditions. The location of the disposal of the waste may routinely be rotated to prevent odor or the attraction of pests.

Parking:

The anticipated times where high volumes of traffic may occur would be during the designated pickup/dropoff times. The highest possible amount of traffic that could reasonably be assumed to be on the property due to the kennel may be up to 30 vehicles (if the kennel were at

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maximum capacity and all the owners of the canines in the kennel for that day were to pickup/drop off at the same time). To mitigate any impacts this may have, the circle drive currently on the north end of the property (see site plan) may remain in place. Using this circle drive, customers may drive through and briefly park (5 minutes or less) at the Southwest corner of the kennel to pick up/drop off their canine. In the event of high traffic/parking, customers may idle within the circle drive, and move forward as canines are loaded, until they reach the Southwest corner where they will park, while their canine is brought out of the kennel, by an employee, to their car. (Similar to a pickup/drop off at an elementary school.)

If needed, 8-10 parking spots may be designated by signs along the south fence of the kennel (See Site Plan). Employees will park their vehicles on the Southeast side of the existing building on the property to prevent additional traffic.

Stormwater/Site Development:

To 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 even or a predevelopment hydrologic condition, the kennel may be built on a lower portion of the property and the interior of the kennel may have beach sand. Beach sand being highly absorbent, will absorb a majority of the rainfall that runs down into the kennel. The shipping container, used for boarding, may be placed within the fenced kennel, so the runoff from the top of the container will also fall into the beach sand. The impact the kennel will have on the property concerning rainfall and/or runoff will be minimal.

Noise:

Upon being informed of needing to have a sound study completed, the Planning and Zoning staff referred me to Western Technologies Inc. to have the sound study completed. When I contacted Western Technologies and spoke with their staff, they estimated the cost for the study to be \$1311.00. I then searched locally, hoping to decrease the cost if travel was not involved as Western Technologies is located in SLC. I spoke with the staff at Bio West, located here in the valley, who estimated the cost for the study to be up to \$2000.00. Due to the large expense, I continued the search to find someone who could complete the sound study at a lower cost, but found no other options.

I proceeded by speaking with Joe Chambers (Attorney) to seek guidance on how I could meet the requirement set out by the county ordinance without it costing such an expense. Upon speaking with Joe Chambers, I was directed that within the ordinance it does NOT state what a qualified professional is and this can be left up to interpretation. I understood from the discussion that I could hire a third party with no investment in the business to conduct the study provided they have the equipment needed. Based on this I found Brock Ostermiller who has a Decibel Meter-Professional Sound Pressure Level SPL Reader and reports sound levels in dB(A) (decibel scale). I hired him to complete the study and to write a report. That report was submitted to the Planning and Zoning staff with my CUP.

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Upon meeting with the Planning and Zoning staff I was informed that the sound study was incomplete due to “Leq” not being mentioned in the report and my not having provided any credentials for Brock Ostermiller. I was advised to have the study completed by someone the staff deemed a qualified professional such as Western Technologies Inc. or Bio West.

As I am an up and coming small business owner, it may be understood that the expense of up to \$2000 for a sound assessment to be completed is quite the expense, particularly when there is no guarantee that I will be granted the permit after having paid such an expense.

County Code 17.07.03 states:

33 00	COMMERCIAL KENNEL/ANIMAL SHELTER: Any establishment where the boarding, grooming, breeding, raising, and/or otherwise keeping of thirteen (13) or more adult dogs or cats occurs or the requirements of a home based kennel or rural kennel cannot be met. A commercial kennel/animal shelter must comply with the following requirements:
1	The kennel must include a structure and fenced area to confine the dogs to the subject property. Dogs are prohibited from crossing onto adjacent properties unsupervised. The structure and fenced area must be of a sufficient size and height to accommodate and contain the particular breed(s) of dogs at the kennel. At the time of application, the applicant must provide detailed information and elevations for the structure and/or fenced area as part of their submittal.
2	All kennel facilities must be a minimum of fifty feet (50') from the property boundary and a minimum of twenty feet (20') from a caretaker's residence, if present.
3	Noise levels from the kennel shall not exceed ten (10) decibels (dBA, Leq) above the existing ambient noise levels at the property line at any time of day or night. A sound level impact and assessment report prepared and signed by a qualified professional must be provided prior to recordation to establish the existing ambient noise levels.

When discussed with the planning and zoning staff, it was explained that the purpose of the sound study is to gain a baseline decibel measure of the existing property noise level, so that the county can ensure that the commercial kennel does not increase the baseline measurement by more than 10 decibels (as the code states). The current existing ambient noise levels can reasonably be determined without the requirement of a *licensed* professional (as this is not a requirement within the code).

Within the report written by Brock Ostermiller it states that the average decibel measurement currently existing on the property is 57.9dB(A). Brock was able to measure this using a Decibel Meter-Professional Sound Pressure Level SPL Reader and reports sound levels in dB(A) (decibel scale). It does mention Leq within in the code, which is not included within the report. However, a Digital Sound Level Noise Tester Meter with Paraments Lp Leq LN Handheld Noise

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Decibel Level Measuring Gauge with Resolution 0.1dB can be used to to gain measurements if in fact Leq is needed and the provided dB(A) measurements are not sufficient.

Furthermore, the average noise level for freeway traffic is 70 dB(A) (Center for Hearing and Communication), which is supported by the assessment completed by Brock Ostermiller as his report states that the *average* decibel levels for the west property line (which in next to the highway) is 65.7 dB(A). The difference in value could be assumed to be from this measurement being an average and the it being a highway in a rural area, not a freeway in a large city. This goes to show that the assessment completed by Brock Ostermiller is accurate and meets the requirements within the county ordinance.

As I understand that noise from a commercial kennel is a reasonable concern, I have provided some measurements below gained using a Decibel Meter-Professional Sound Pressure Level SPL Reader and reports sound levels in dB(A) (decibel scale). Using this equipment, I measured the dB(A) of a couple of common breeds of dogs in large and small groups, as well as individually. Each measurement was conducted from 10ft to 50 ft away. I also measured several common vehicles that passed on the highway next to the property from inside the fence line (roughly 50ft away). The results are shown below.

dB(A) of common breeds of dogs barking

Breed	Group Size	dB(A) at 10 ft	dB(A) at 40 ft	dB(A) at 50 ft
German Shepherd	1	83.1	75.5	74
Hound	1	66.6	52.3	51.6
Shepherds and Hounds	3	89.3	N/A	N/A
Shepherd puppies	3		66.6	67.4
Shepherds and Hounds	5	84	N/A	N/A
Average dB(A)		80.6	64.8	64.3

dB(A) of vehicles passing on the highway to the west of the property line

Vehicle Type	50 ft Away
Semi and 3500 dually truck	78.2
Double Trailer Milk Truck	74.7
Semi	75.3
Motorcycle and 2 compact cars	79.1
2 motorcycles	76.6
Water Truck	73.2
1 Semi and 1 double trailer semi	81.2
1500 Truck average	73.8

Attachment A

Single Vehicle average	68.2
Small group average (2 vehicles)	76.1
Large group average (6-10 vehicles)	78.9
Average dB(A) of passing vehicles	75.9

The National Center for Environmental Health explains in their article on Environmental Health that a sound at 20 decibels is 10 times more intense than a sound at 10 decibels, and a sound at 100 decibels is one billion times more powerful than a sound at 10 decibels. However a sound that seems loud in a quiet room may not even be noticed when that same sound is on a busy street even though the sound intensity is the same. "...to measure loudness, a sound must be increased by 10 dB to be perceived as twice as loud. For example, ten violins would sound only twice as loud as one violin" (Centers for Disease Control and Prevention).

Given this information and the decibel measurements provided above it can be concluded that it would take a great deal of barking from several dogs, barking simultaneously, while the normal goings on of the property are occurring, for the existing ambient noise levels to be increased by 10 decibels. While the likelihood of this is possible, the probability is low. Noise levels from a kennel are a common occurrence, however kennels are typically conducted in an indoor facility where noise levels are increased because of materials used that reflect sound. Garvey, Stella, and Crony explain this in their article "Auditory Stress: Implications for Kennel Dog Welfare". They describe several ways that noise *within* a kennel can be reduced. However, this is only helpful when the dogs are within an enclosed structure. The proposal for Nature's Kennel and Boarding describes how an outdoor facility will be used during the hours of operation and a structure will only be used overnight for boarded dogs or for short time periods during the hours of operation for a limited number of dogs on an as needed basis. The concerns surrounding noise levels within a kennel are pertaining to an indoor kennel. As Nature's Kennel and Boarding is an outdoor kennel, these concerns are not as prominent.

The impact the proposed kennel will have on the existing noise level is minimal. The property currently has heavy machinery and double trailer trucks operating there multiple times per day, as well as a busy highway running directly to the west. Based on the information provided from The National Center for Environmental Health, it would require 10 times the amount of current noise existing on the property to increase the sound levels by 10 decibels. A commercial kennel with a maximum capacity of 30 dogs is not likely to produce that amount of noise. In the slight possibility that it were to produce that much noise, the sound level has the potential to be of the greatest level of impact in the morning and evenings during the pickup/drop off times. We are prepared to mitigate that impact by doing the following:

1. Screening all canines through a behavior evaluation before allowing them admittance into the kennel.
2. Providing anti-bark training before admittance or during admittance depending on the severity of the behavior.

Attachment A

3. Offering a pickup/drop off location in North Logan (this will reduce the amount of dogs and owners on the property at the time).
4. Housing boarded canines within the boarding facilities outside of the hours of operation (being within the boarding facility will reduce the noise level produced by barking from outdoors).
5. Reserving the right to deny services if needed.
6. Canines within the kennel will be routinely exercised. The exercise provided at Nature's Kennel and Boarding will be more intense exercise due to the use of beach sand rather than grass. Exercising the canine on the beach sand will tire them more quickly and provide a more effective work out. Canines who receive targeted exercise are less likely to bark as they are not "bored" and "looking for something to do".

Such measures reasonably relate to mitigating the detrimental effects the noise levels of the kennel may have.

Land Use Authority and Conditions

Utah Code 10-9a-507. Conditional Uses states:

- (2) (a) (i) A land use authority shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
- (ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects.
- (b) If a land use authority proposes reasonable conditions on a proposed conditional use, the land use authority shall ensure that the conditions are stated on the record and reasonably relate to mitigating the anticipated detrimental effects of the proposed use.

It is the responsibility of the county as the land use authority to ensure reasonable conditions are imposed. It is understandable for the county code to have such requirements for a commercial kennel when specific conditions are in place such as the kennel being built within an urban environment where the potential detrimental effects may have a large impact on a large body of people. However, the conditions surrounding the building of a kennel vary greatly, from the location of the kennel, the purpose of the kennel, the types of breeds being cared for at the kennel, etc. The requirements set forth within the county code need to allow for flexibility where such events can be taken into account and reasonable conditions can be imposed based on the specific conditions surrounding the individual kennel.

For example, rather than the county code requiring a structure and a fence it would be reasonable to require a structure and/or a fence. The determination of whether both a structure and a fence are required could be based on the breed(s) of canines within the kennel, the purpose of the kennel, the capacity of canines the kennel could withhold and so on. Additionally, the requirement of the kennel facility being a minimum of 50 feet from the property boundary

Attachment A

and 20 feet from a caretaker's residence, leaves no opportunity for negotiation when circumstances could reasonably allow otherwise, as is the case with Nature's Kennel and Boarding.

The proposed location for the kennel has been outlined previously as being surrounded by agricultural fields, sitting adjacent to a highway, and having two minor county roads on either side of the property. Requiring the kennel fence to be 50 feet from the property line is not a reasonable condition as there is no considerable detrimental impact the kennel will impose by being closer than 50 feet. The nearest neighboring occupied property line is more than 50' from the property line of the proposed location and consists of a pasture used for farm animals on the side closest to the property. The conceived impact the kennel would have on this neighbor would be that of noise levels and odor. From this distance, and considering that the neighbor raises farm animals, neither conceived impact is of great significance.

The agricultural field which borders the property on the East side has the greatest potential for foreseeable impact if the field were to be subdivided and homes were to border the property. Having the kennel 50 feet from the East border would in fact move the kennel closer to this field, as well as to the current neighboring residence. Considering that the field to the East is owned by Clair Allen and is used by his son for the family business, Allen Seed and Grain, the likelihood of such an event occurring is not enough to impose the condition of the kennel fence being 50 feet from the property line.

Furthermore, as outlined previously, the current Conditional Use Permit is not the final goal for Nature's Kennel and Boarding. We do not want to permanently reside at this location as we would like to grow so we can expand and eventually have a location more central in the valley. If there were to come a time where the proposed property were to no longer be rural and the impacts of such a kennel would be much greater, it is unlikely that the kennel would still exist on the property.

It can be perceived that the conditions posed within the county code are based on the assumption that kennel's are loud, rank, and bothersome, and in an effort to reduce such effects these closed-minded conditions were written with no allowance for mediation. Every situation is unique and should be dealt with as a separate entity. While it is appropriate for the county to have requirements in place for obtaining a Conditional Use Permit for a commercial kennel, the requirements need to allow for deliberation and consideration of the conditions surrounding each individual kennel. This would allow for the County to work in conjunction and collaboration with business owners rather than appearing as a dictator of the law.

Proposal

In addition to the information provided above, I would like for the county to consider the following:

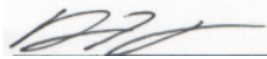
1. The fence of the kennel to be built 44.5 feet from the property line rather than 50 feet. This allowance of 5.5 feet provides for the current driveways existing on the property to

Attachment A

remain in place, so the current operations at the property will not be interrupted as double trailer trucks use the driveways to turn the trucks around. Allen Gravel is graciously allowing us to utilize the unused area of the property for the kennel that resides within the circle driveway. If we are required to be 50 feet from the property line, the existing driveways will have to be moved 10 feet to the east, which will greatly impact the operations currently occurring at the property while construction takes place.

2. Accept the provided sound study as a sufficient assessment of the current ambient noises on the property. If needed, allow for Leq measurements to be obtained by a qualified person, or third party, who has the correct equipment, such as a Digital Sound Level Noise Tester Meter with Parameters Lp Leq LN Handheld Noise Decibel Level Measuring Gauge with Resolution 0.1dB.
 - a. Or if the county is to require a licensed professional to complete the sound assessment (even though it is not required within the county code), do so as a condition of receiving the Conditional Use Permit rather than a requirement for the consideration of receiving the Conditional Use Permit.

Thank you for your consideration,



Bryan Hansen

Attachment A

References

International Noise Awareness Day (INAD). Common Noise Levels - How Loud is Too Loud?
Center for Hearing and Communication..

<https://noiseawareness.org/info-center/common-noise-levels/>

National Center for Environmental Health. (2019, October 17). What Noised Cause Hearing
Loss? Centers for Disease Control and Prevention.

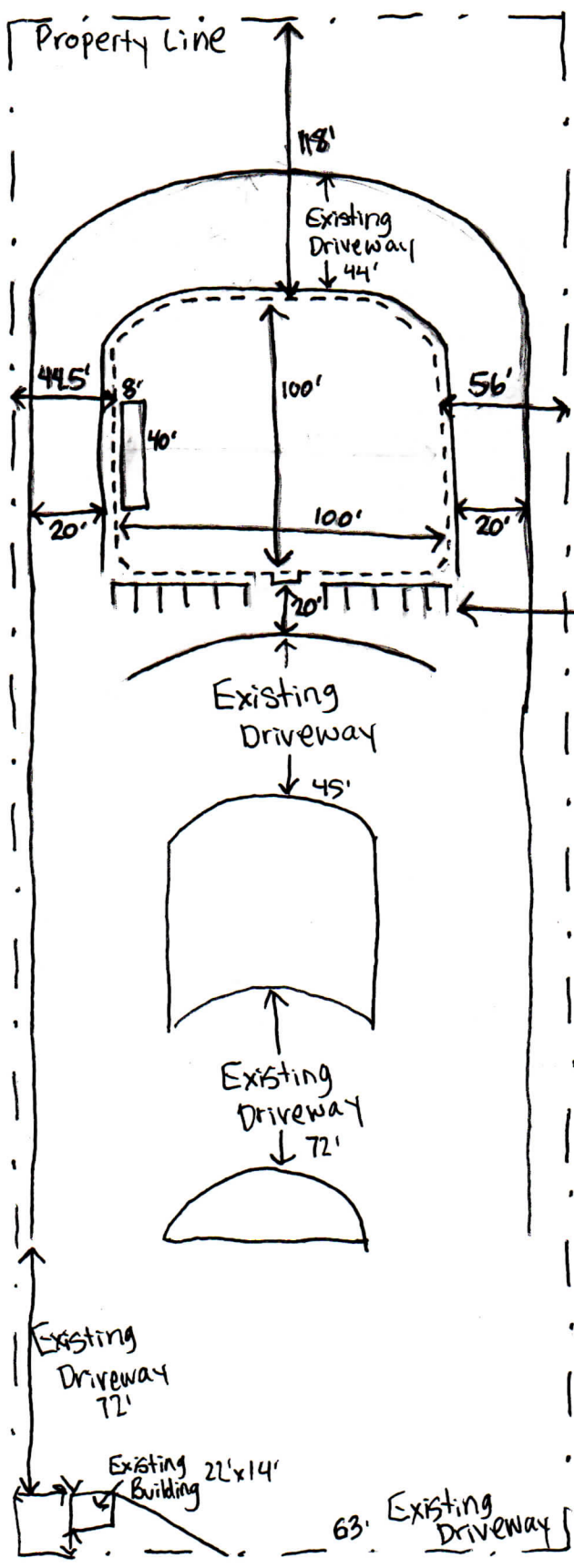
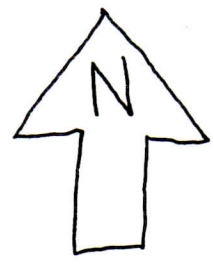
https://www.cdc.gov/nceh/hearing_loss/what_noises_cause_hearing_loss.html

Garvey, M., Stella, J., and Croney, C. (2016, December). Auditory Stress: Implications for
Kenneled Dog Welfare. Purdue Extension.

<https://extension.purdue.edu/extmedia/VA/VA-18-W.pdf>

Nature's Kennel and Boarding Plan pg 1 (overview)
Attachment A

Road Name: 12700 North



Note: The proposed boarding shed will be an 8' x 40' shipping container.

Possible parking

Road Name: US 91

Owner's Name: Troy Allen
Address: 1015 E. 12600 N. Cove, UT 84320

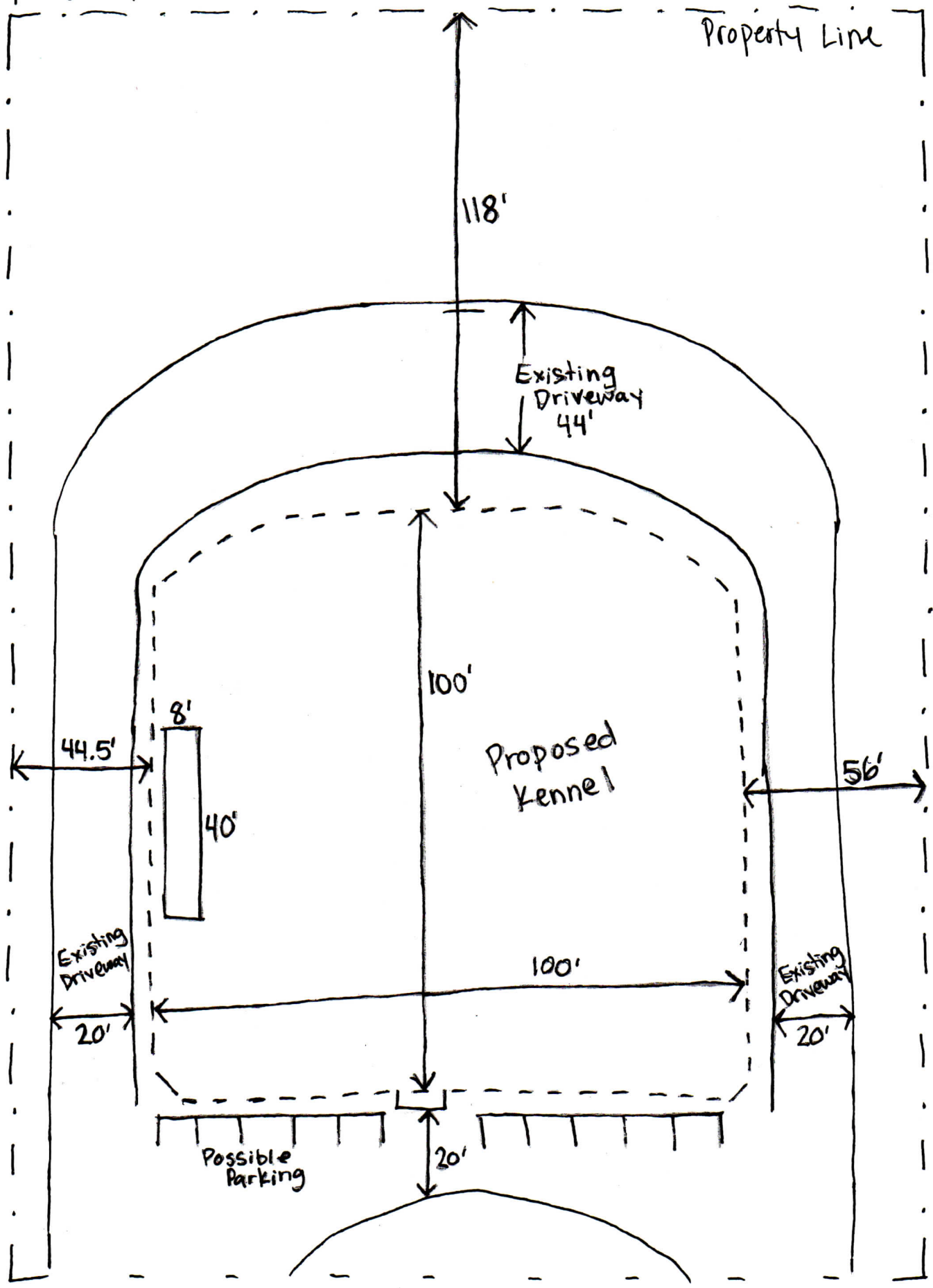
Road Name: 12600 North

Nature's Kennel and Boarding Plan Pg 2 (North End)

Attachment A



Road Name: 12700 North

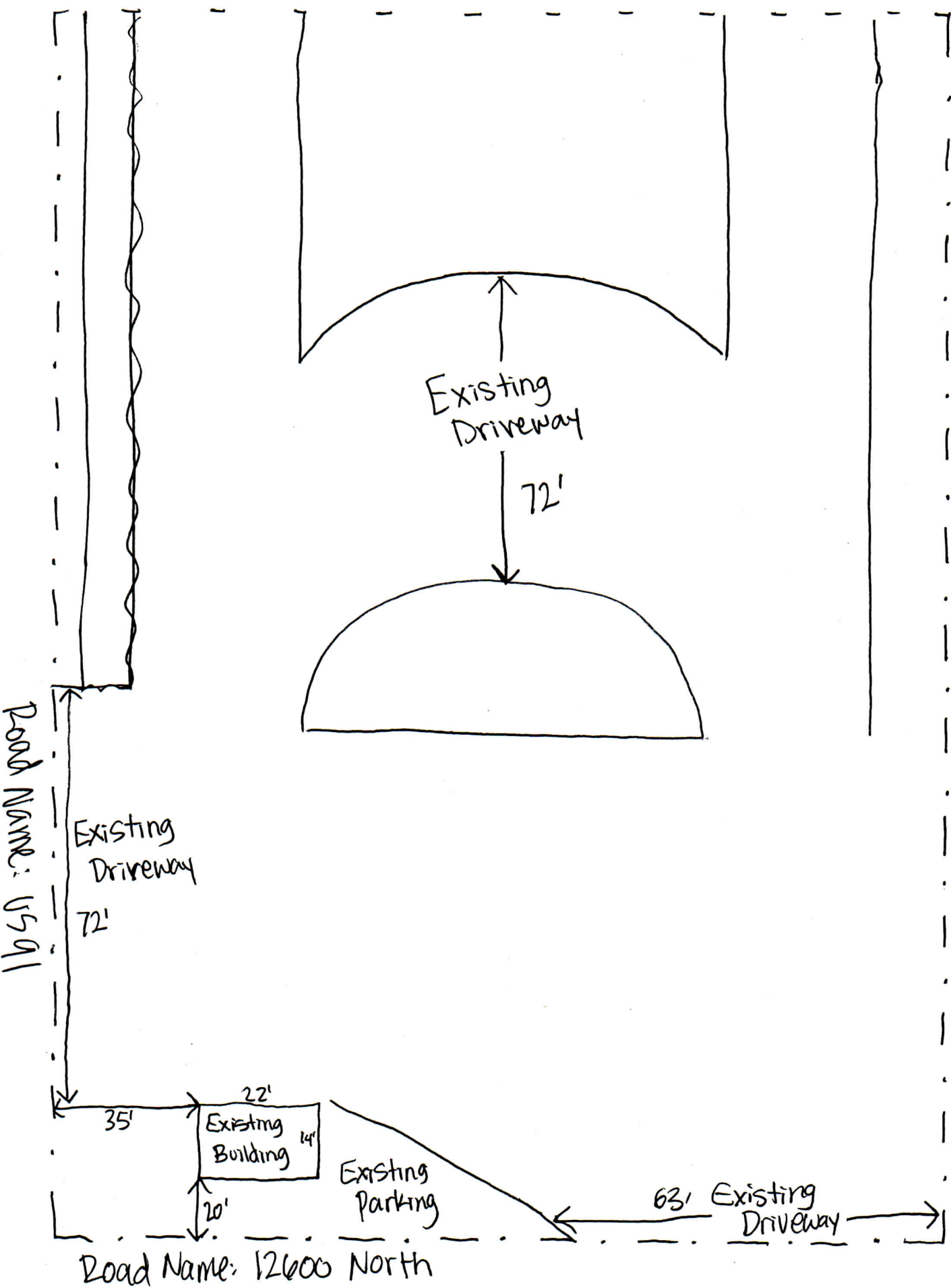


Road Name: US 91

Owner's Name: Troy Allen
Address: 1015 E. 12600 N. Cove, VT 84320

Nature's Kennel and Boarding Plan Pt 3 (South End)

Attachment A



Owners Name: Troy Allen
Address: 1015 E. 12600 N. Cove, UT 84320

Attachment A

Attachment A

May 2021

Sound Level Impact and Assessment Report-May 2021

Ostermiller

Attachment A

Attachment A

Bryan Hansen is required to provide a noise monitoring assessment as necessary to comply with the requirement of the Cache County Ordinance 17.07.030 3300 for the purpose of submitting a Conditional Use Permit for a Commercial Kennel/Animal Shelter. A sound level impact and assessment report is to be provided prior to recordation to establish the existing ambient noise levels. For this purpose I, Brock Ostermiller, am completing this report.

The sound level assessment was completed using a Decibel Meter-Professional Sound Pressure Level SPL Reader and reports sound levels in dB(A) (decibel scale). Table 1 presents a summary of the range of lowest to highest measured noise levels at each monitoring location over the reporting period.

Table 1: Summary of the range of dB(A) at each monitoring location

North Property Line	West Property Line	South Property Line	East Property Line
50.1dB(A)-61.6dB(A)	57.5dB(A)-74.5dB(A)	53.5dB(A)-67.2dB(A)	44.7dB(A)-56.2dB(A)

As the property is located next to US91 and is currently utilized by Allen Gravel, the noise levels are considered to be largely dominated by the local road traffic, heavy machinery, and dump trucks. During the hours when Allen Gravel is in operation at the property and during heavy traffic hours, the associated noise levels can increase. Given the nature and location of works currently being undertaken on the property, the measured noise levels are largely dominated by such events.

Table 3 and the following graph show the measured noise level across the monitoring period, and presents the averaged noise level values at each monitoring location, as well as the overall averaged noise level value for the property.

Table 3: Summary of measured dB(A) data over the monitoring period.

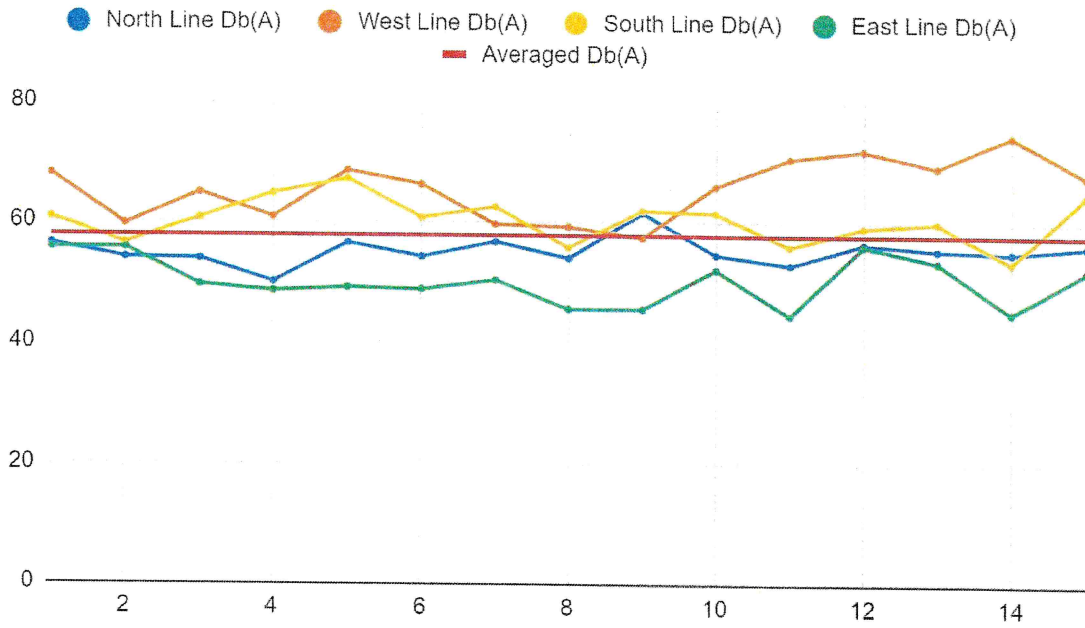
Time Elapsed	North Line Db(A)	West Line Db(A)	South Line Db(A)	East Line Db(A)
1	56.4	68	60.8	55.7
2	54.1	59.7	56.5	55.7
3	53.9	64.9	60.7	49.6
4	50.1	60.9	64.8	48.6
5	56.6	68.6	67.2	49.2
6	54.3	66.3	60.8	48.9
7	56.8	59.7	62.6	50.4
8	54.1	59.3	55.9	45.7
9	61.6	57.5	62	45.7
10	54.7	66	61.6	52.2
11	53	70.7	56.1	44.7
12	56.5	72.1	59.2	56.2
13	55.5	69.3	60	53.5
14	55.1	74.5	53.5	45.2
15	56.2	67.8	64.7	52.1
Average	57.9	55.3	65.7	50.2

Attachment A

Attachment A

Table 2: Graphed summary of the range of dB(A) at each monitoring location

Average dB(A) Measurement Per Minute



Note: The noise monitoring commenced at 4:00 on the 11th of May.

Brock Ostermiller

Brock Ostermiller

Attachment B

October 1, 2021

Bryan Hansen
1015 E 12600 N
Cove, UT 84320

To Whom It May Concern:

As per the staff report written for the Bryan Hansen CUP on the 2nd of September 2021 for the Planning Commission meeting, condition #6 states "The proposed commercial kennel must comply with the Chapter 17.10 Development Standards of the Code including Sections 17.10.030 Development Density and Standards Specific to Base Zoning Districts. Prior to recording the permit, a revised site plan and Letter of Intent must be submitted to reflect that these standards are being met."

Chapter 17.10.030 Development Standards states:

1. Screening And Landscaping:
 - a. Where any commercial or industrial lot shares a common boundary with property zoned A10, RU5, or RU2, a screen shall be provided at least six feet (6') in height. The screen may be a fence, wall, berm or approved landscaping or some combination of the same.
 - d. Landscaping shall be required on ten percent (10%) of the gross area of the proposed project site. Gross area is interpreted as the total project site area remaining after any required road right-of-way dedication.
 - f. The Planning Commission may modify any provision of the screening and landscaping sections of this chapter if strict adherence to a requirement should be delayed or is deemed unnecessary.

For the Bryan Hansen CUP, it is proposed the the Planning Commission accept a modification to the condition outlined above as they it be detrimental to the property value as well as the neighboring agricultural field if a 6' screen were to be placed on the property line for the following reasons:

1. The property line lies roughly 30 feet into the neighboring agricultural field. If a screen were to be placed on the property line, it would interfere with the farming that occurs on that agricultural field.
2. The owner of the agricultural field, Clair Allen, does not want a berm to be placed between the 2 pieces of land. See the attached letter.
3. The agricultural field adds to the landscaping of the property. It is healthy, neat, and in orderly condition free of weeds and litter as Chapter 17.10.030 states that landscaping should be maintained. The screen would take away from the landscaping of the property.

Attachment B

Furthermore, in relation to the requirement of the 10% of the gross area of the proposed project site to be landscaped, it is proposed that the planning commission accept the current landscaping as outlined below, as sufficient for this project site:

Currently the property has a total of

1. 2330 square feet of grassed area.
2. 85 feet of fence
3. 9,855 square feet of agricultural field

These combined equals more than 10% of the proposed project site. If a berm is required, the property owners, Clair Allen and Troy Allen would not permit it to be placed on the property line as stated before that would place it in the agricultural field. Therefore the berm would have to be placed on the edge of the agricultural field taking away from the landscaping of the project site. For all of these reasons, I am asking for modifications to be made on this condition for the Bryan Hansen CUP.

Thank you



Bryan Hansen

Attachment B

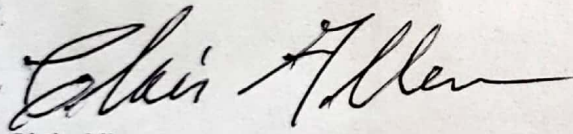
October 1, 2021

Clair Allen
12728 N 1300 E
Cove, UT 84320

To Whom It May Concern:

In regards to the proposed commercial kennel located at 1015 E 12600 N in Cove, UT, it is not necessary to require a 6' screen to be placed between the agricultural field I own and the highway property owned by Allen Gravel. Placing a 6' screen between the two properties would not be cost effective. It would take time, resources, and money that could be better spent in more appropriate areas that could increase property values for both parties. Furthermore a 6' screen would block the view from the highway. We want to be seen from the highway as that is a vital piece of advertising for both businesses considering the location. A 6' screen would not add anything to either property, it would only be a detriment to all parties involved.

Thank you,


Clair Allen

Staff Report: 2600 West Rezone

4 November 2021

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: Michael & Kent Carlsen

Parcel ID: 12-042-0003

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Angie Zetterquist

Project Address:
~2600 West Hwy 30
near Logan

Acres: 7.34 acres

Current Zoning:
Agricultural (A10)

Proposed Zoning:
Industrial (I)

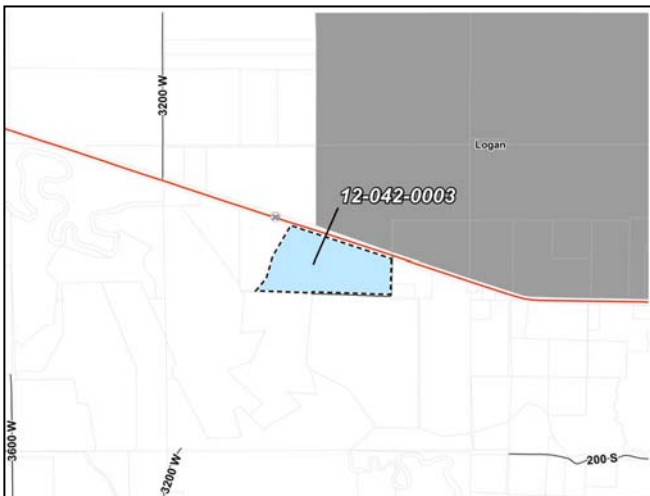
Surrounding Uses:

North – Hwy 30/Logan City

South – Agricultural/Residential

East – 2600 West/A10/ storage units

West – Agricultural/Wetlands



Findings of Fact

A. Request description

1. A request to rezone 7.34 acres of an existing 41.8 acre parcel from the Agricultural (A10) Zone to the Industrial (I) Zone. The applicant initially submitted a request for the Commercial (C) Zone, but recently requested it be changed to Industrial (I).
2. This rezone may allow the parcel to establish uses permitted in the Industrial (I) Zone upon approval of a subdivision. As the proposed rezone, if approved, would result in a split zone on a single property, the more restrictive zone (i.e., A10) will determine development potential/standards until the rezoned area is subdivided from the original parcel through the subdivision process.

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 legal as it is in the same size and configuration since August 8, 2006. The applicant has provided a survey and legal description for the 7.34 acre portion of the 41.8 acre property that they are seeking the rezone (Attachment B).
- ii. 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
- iii. Sensitive Areas: The subject property contains sensitive areas that may impact future development (Attachment B).
 - The County GIS data indicates that there is an open body of water, floodplain, flood buffer, and potential wetlands located along the western side of the property. Additionally, a significant portion of the property is located in an area with a moderate to high liquefaction potential. Most of the sensitive areas are located outside the rezone request portion of the property, but there are some areas of liquefaction potential in the rezone area. Areas with geologic sensitive areas require approval of a geotechnical permit prior to recording a subdivision plat.
- iv. Adjacent uses: The properties adjacent to the subject rezone in unincorporated County are primarily zoned A10 (agricultural) (Attachment A). Logan City boundaries are north of the subject property on the other side of Hwy 30 where the Logan City wastewater treatment facility is located.

To the east of the subject property, there is a county road (i.e., 2600 West) and properties used for storage facilities. A Conditional Use Permit (CUP) was approved for parcel #12-042-0008 in November 2002 allowing a multi-use storage facility as a commercial business in the Agricultural (A10) Zone. Under the current County Code, a storage facility that allows both indoor and outdoor storage is only allowed in the Industrial (I) Zone. In 2007, a 2-lot subdivision was approved for the property. There is a residential home located to the south of the property.

The closest commercial zone is located approximately 1/3 mile east of the property and is the location of the Cache Humane Society. Another commercial property is located to the west at the corner of 3200 West and Hwy 30 approximately 1/2 mile away. The commercial rezone was approved by the County Council in 2020 as Ordinance 2020-04. No development has occurred on the site since the rezone request. The nearest property zoned Industrial (I) is located almost a mile to the east of the subject property (i.e., D & D Auto and Salvage).

- v. **Annexation Areas:** The subject property is located within the Logan City Future Annexation Area (Attachment C). In reviewing the map for Logan City’s Annexation Policy Plan Boundaries, the subject properties appears to be designated as GW-DX (GW-Gateway and DX–Development with Exemption) future land use. Per Logan’s General Plan, the purpose of the Gateway (GW) designation is to develop quality highway entrances to the City. Visitor-oriented commercial uses, corporate campuses, and recreation opportunities are identified as the primary uses found in the Gateways with attractive buildings highlighted by gracious landscapes or natural areas to reinforce the picturesque setting of Cache Valley. The DX-Development with Exemption future land use areas are described in Logan’s General Plan areas of expansion along the City’s western boundary located in sensitive lands, which, without some action to modify, are undevelopable. Other portions could potentially be development by mitigating environmental impacts.

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 Roadway Functional Classification - Major Local Road (ML): Major Local roads serve a dual function of providing access to properties that abut the road as well as providing a through or connection service between higher road classification facilities. Major local roads may have significant local continuity and may operate at relatively high speeds. Because of the possibility of through traffic, a meaningful segment of traffic on major local roads may include drivers who are unfamiliar with the roads. Traffic on major local roads is largely composed of passenger vehicles or other smaller vehicle types. Where a significant proportion of traffic is trucks or other heavy vehicles, additional design considerations will be required.
 - b. Table B-6 Typical Cross Section Minimum Standards: Major local roads must meet the minimum standard of a 66-foot right-of-way, two 10-foot wide paved travel lanes with 6-foot wide shoulders (2 feet paved and 4 feet of gravel): 14-inches depth of granular borrow, a 6-inches depth of untreated base course, and 3 inches of bituminous surface course (asphalt).

9. A basic review of the access to the subject property identifies the following:
 - a. The subject property has direct access to Hwy 30, 2600 West, and 200 North.
 - b. Highway 30 is a UDOT facility and runs along the north property line and has one existing agricultural access from the state road.
 - c. The County roads, 2600 West and 200 North, run along the east and part of the south properties lines. The roads provide access to a material stock yard, storage units, one single-family residence, and agricultural lands.
 - d. Both county roads are currently classified as Minor Local roads with gravel surfaces ranging from approximately 12-20 feet wide. Roads are graded in the summer but no winter maintenance is provided.
 - e. For any commercial or industrial use, the County roads must be reclassified and improved to meet the Major Local Road standard at a minimum.

D. Service Provisions:

10. §16.04.080 [C] Fire Control – The County Fire District visited the site and had no comments regarding the rezone request. 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 25 October 2021.

13. Notices were posted in three public places on 25 October 2021.

14. Notices were mailed to all property owners within 300 feet and Logan City on 25 October 2021.

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

Staff Conclusion

The 2600 West Rezone, a request to rezone 7.34 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.

Attachment A

Logan

30

200 N

2600 W

200 S

1900 W

600 S

2400 W

2000 W

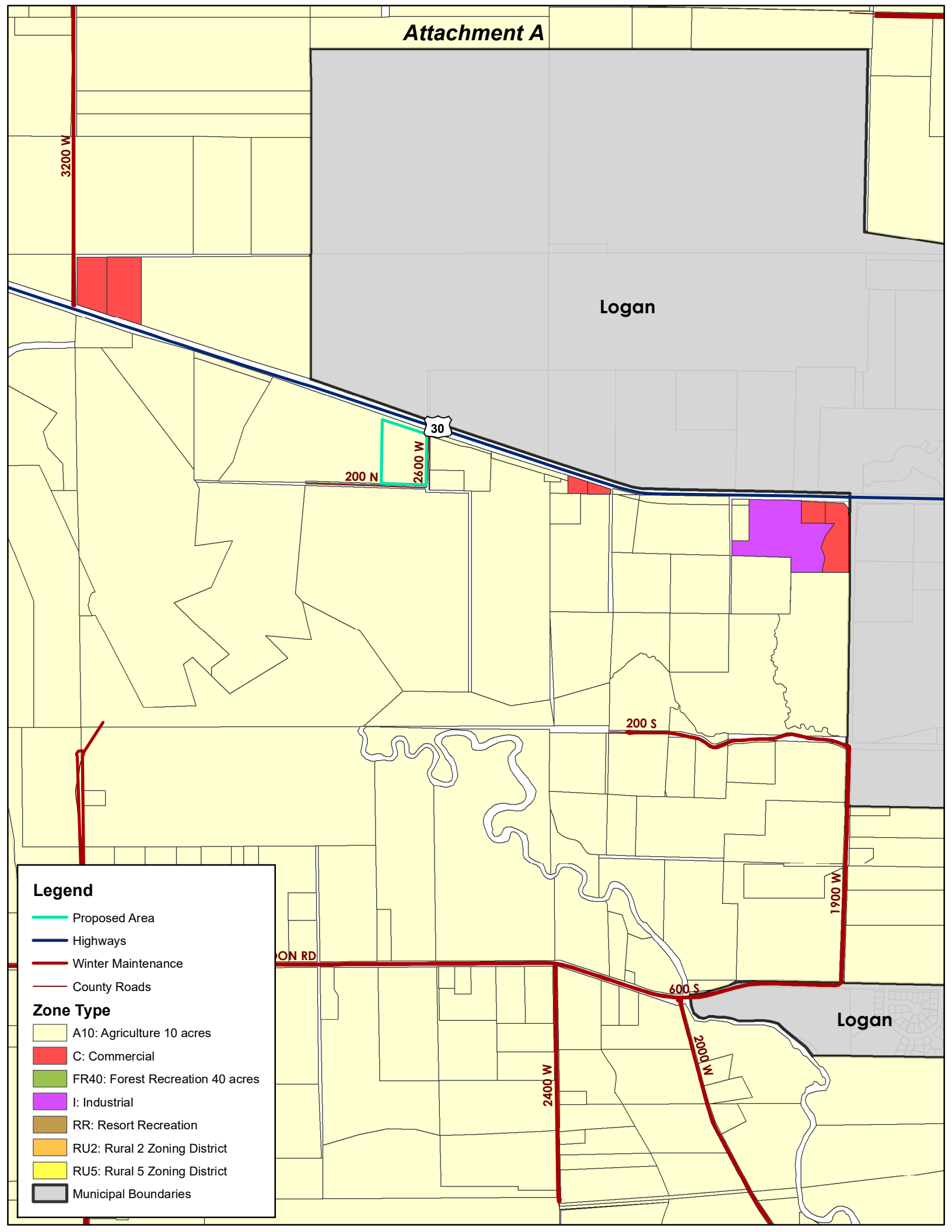
Logan

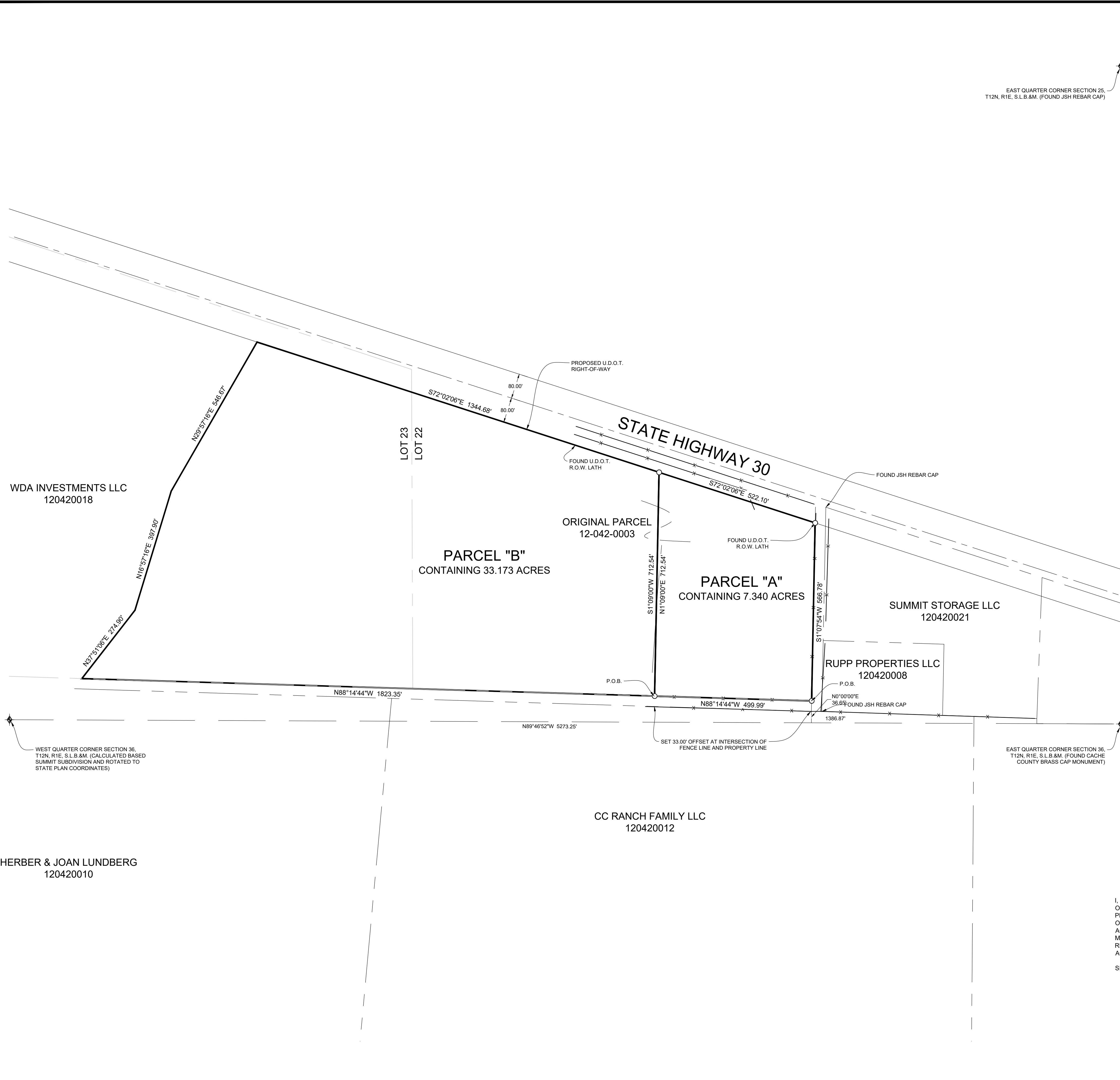
Legend

- Proposed Area
- Highways
- Winter Maintenance
- County Roads

Zone Type

- A10: Agriculture 10 acres
- C: Commercial
- FR40: Forest Recreation 40 acres
- I: Industrial
- RR: Resort Recreation
- RU2: Rural 2 Zoning District
- RU5: Rural 5 Zoning District
- Municipal Boundaries





RECORD PARCEL 12-042-0003 BOUNDARY DESCRIPTION

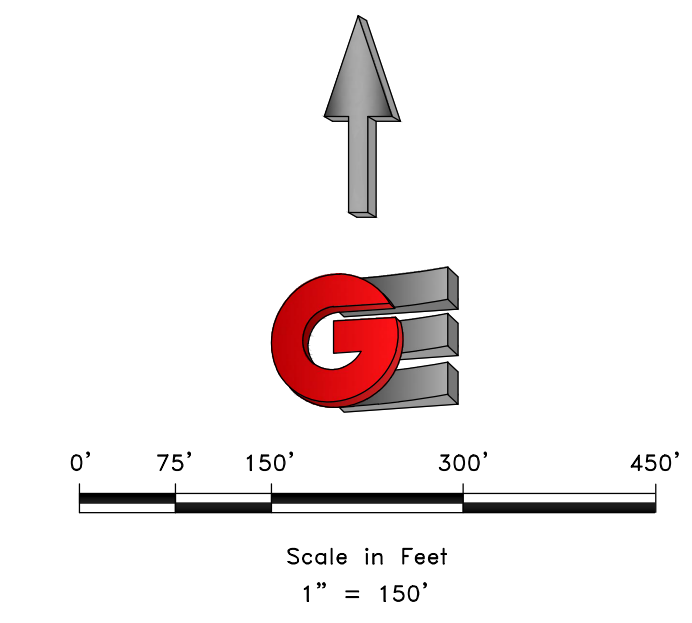
PART OF SECTION 36, TOWNSHIP 12 NORTH, RANGE 1 WEST, OF THE SALT LAKE BASE AND MERIDIAN.
 BEGINNING SOUTH 88°02' EAST 267.16 FEET FROM THE SOUTHWEST CORNER OF LOT 23 OF SAID SECTION 36 AND RUNNING THENCE NORTH 38°03'50" EAST 274.90 FEET; THENCE NORTH 17°10' EAST 397.90 FEET; THENCE NORTH 30°10' EAST 641.90 FEET TO THE NORTHERLY LINE OF SAID LOT 23; THENCE SOUTHEASTERLY TO THE NORTHEAST CORNER OF LOT 22 SECTION 36; THENCE SOUTH TO THE SOUTHEAST CORNER OF SAID LOT 22; THENCE WEST ALONG THE LOT LINE TO THE POINT OF BEGINNING.
 LESS:
 BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 22 AND RUNNING THENCE NORTH 88°02' WEST 19.24 CHAINS; THENCE NORTH 1 ROD; THENCE SOUTH 88°02' EAST 19.24 CHAINS; THENCE SOUTH 1 ROD TO THE POINT OF BEGINNING. CONTAINING 41.8 ACRES.

PARCEL "A" BOUNDARY DESCRIPTION

A PART OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 12 NORTH RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN.
 BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF 200 NORTH STREET AND THE WEST RIGHT-OF-WAY LINE OF 2600 WEST STREET BEING LOCATED NORTH 89°46'52" WEST 1386.87 FEET ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER AND NORTH 00°00'00" WEST 36.65 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 36; RUNNING THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE NORTH 88°14'44" WEST 499.99 FEET; THENCE NORTH 01°09'00" EAST 712.54 FEET TO THE PROPOSED SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY 30; THENCE ALONG SAID PROPOSED RIGHT-OF-WAY LINE SOUTH 72°02'06" EAST 522.10 FEET TO SAID WEST RIGHT-OF-WAY LINE; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE SOUTH 01°07'54" WEST 566.78 FEET TO THE POINT OF BEGINNING. CONTAINING 7.340 ACRES.

PARCEL "B" BOUNDARY DESCRIPTION

A PART OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 12 NORTH RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN.
 BEGINNING AT A POINT ON THE NORTH RIGHT-OF-WAY LINE OF 200 NORTH STREET BEING LOCATED NORTH 89°46'52" WEST 1386.87 FEET ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER AND NORTH 00°00'00" WEST 36.65 FEET AND NORTH 88°14'44" WEST 499.99 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 36; RUNNING THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE NORTH 88°14'44" WEST 1823.35 FEET; THENCE NORTH 37°51'06" EAST 274.90 FEET; THENCE NORTH 16°57'16" EAST 397.90 FEET; THENCE NORTH 29°57'16" EAST 546.67 FEET TO THE PROPOSED SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY 30; THENCE ALONG SAID PROPOSED RIGHT-OF-WAY LINE SOUTH 72°02'06" EAST 1344.68 FEET; THENCE SOUTH 01°09'00" WEST 712.54 FEET TO THE POINT OF BEGINNING. CONTAINING 33.173 ACRES.



- LEGEND**
- ◆ CACHE COUNTY MONUMENT AS NOTED
 - SET 24" REBAR AND CAP MARKED GARDNER ENGINEERING
 - SUBJECT PROPERTY BOUNDARY
 - - - ORIGINAL LOT LINE
 - - - ADJACENT PARCEL
 - - - SECTION LINE
 - - - PROPOSED U.D.O.T. RIGHT-OF-WAY LINE
 - - - EXISTING FENCE LINE

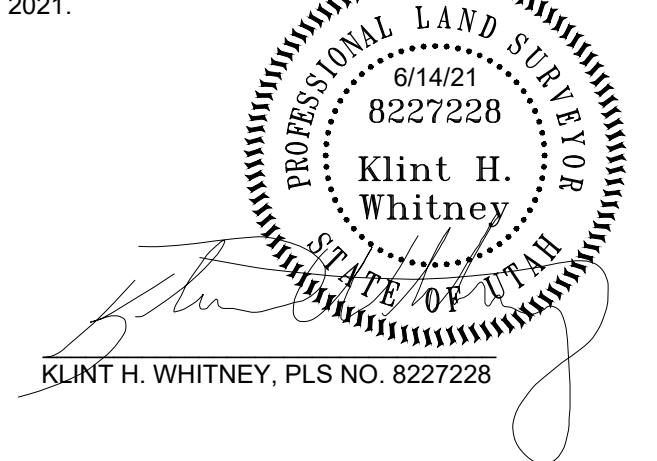
NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO ESTABLISH AND SET THE PROPERTY CORNERS OF THE PARCELS AS SHOWN AND DESCRIBED HEREON. THE SURVEY WAS ORDERED BY KENT CARLSEN. THE BASIS OF BEARING IS BETWEEN THE EAST QUARTER CORNER OF SECTION 36 AND THE EAST QUARTER CORNER OF SECTION 25 TOWNSHIP 12 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN, WHICH BEARS NORTH 00°06'35" WEST, WEBER COUNTY, UTAH NORTH, NAD 83 STATE PLANE GRID BEARING. THE BOUNDARY WAS DETERMINED BUY WARRANTY DEED RECORDED AS ENTRY NUMBER 1084331, AND DEEDS OF ADJOINING PROPERTY OWNERS. RECORD OF SURVEY NUMBER 2001-0131, AND THE DEDICATED PLATS OF THE SUBDIVISION OF SECTION 36 AND THE SUMMIT SUBDIVISION WERE ALSO USED TO DETERMINE BOUNDARY LOCATION ALONG WITH THE FOUND MONUMENTS AS SHOWN AND DESCRIBED HEREON.

SURVEYOR'S CERTIFICATE

I, KLINT H. WHITNEY, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD CERTIFICATE NO. 8227228 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS RECORD OF SURVEY PLAT IN ACCORDANCE WITH SECTION 17-23-20 AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN ON THIS RECORD OF SURVEY PLAT ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS SURVEY; AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY.

SIGNED THIS 14TH DAY OF JUNE, 2021.



SCALE: 1" = 150'	DATE: 6/14/21	DESIGN: KHW	DRAWN: KHW	CHECKED: KHW
REVISIONS	DESCRIPTION			
DATE				

DWG.: R2001 - MISC SURVEY 118 - KENT CARLSEN SURVEY COMPANY DWG

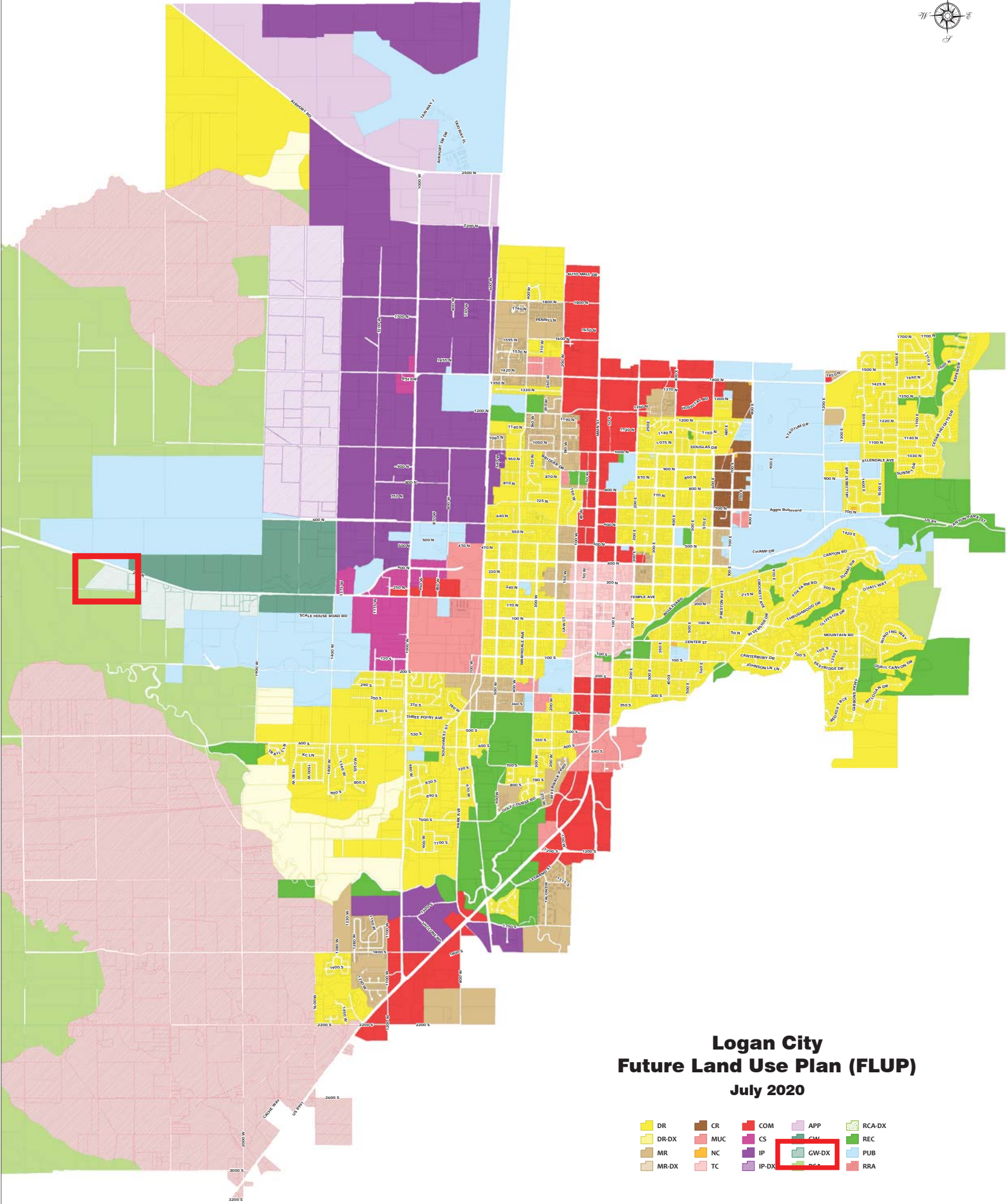
PROPERTY SURVEY FOR KENT CARLSEN
 +/- 272 N 2600 W, CACHE COUNTY
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 36,
 TOWNSHIP 12 NORTH, RANGE 1 WEST, S.L.B. AND M.

GARDNER ENGINEERING
 CIVIL-LAND PLANNING
 MUNICIPAL-LAND SURVEYING

5150 SOUTH 375 EAST OGDEN, UT
 OFFICE: 801.476.0202 FAX: 801.476.0066

S1
1

Attachment C



**Logan City
Future Land Use Plan (FLUP)
July 2020**

- | | | | | |
|-------|-----|-------|-------|--------|
| DR | CR | COM | APP | RCA-DX |
| DR-DX | MUC | CS | GW | REC |
| MR | NC | IP | GW-DX | PUB |
| MR-DX | TC | IP-DX | RRA | |

2022 Meeting Dates and Application Deadlines

2022 Meeting Dates and Application Deadlines				
Planning Commission <small>(1st Thursday of each month)</small>		County Council <small>(2nd & 4th Tuesday*)</small>	Board of Adjustments <small>(3rd Thursday of each month)</small>	
Application Deadline 3:00 PM	MEETING DATE 5:30 PM	MEETING DATE 5:00 PM	Application Deadline 3:00 PM	MEETING DATE 6:00 PM
<i>1 Dec 21</i>	6 Jan	11 Jan	<i>30 Dec 21</i>	20 Jan
5 Jan	3 Feb	25 Jan	27 Jan	17 Feb
2 Feb	3 Mar	8 Feb	24 Feb	17 Mar
2 Mar	7 Apr	22 Feb	31 Mar	21 Apr
6 Apr	5 May	8 Mar	28 Apr	19 May
4 May	2 Jun	22 Mar	26 May	16 Jun
1 Jun	7 Jul	12 Apr	30 Jun	21 July
6 Jul	4 Aug	26 Apr	28 Jul	18 Aug
3 Aug	1 Sep	10 May	25 Aug	15 Sep
31 Aug	6 Oct	24 May	29 Sep	20 Oct
5 Oct	3 Nov	14 Jun	27 Oct	17 Nov
2 Nov	1 Dec	28 Jun	23 Nov	15 Dec
		12 Jul		
		26 Jul		
		9 Aug		
		23 Aug		
		13 Sep		
		27 Sep		
		11 Oct		
		25 Oct		
		8 Nov		
		22 Nov		
		6 Dec*		
		13 Dec*		

Article 1 - Objectives

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

Article 2 - Members

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

Article 3 - Officers and Their Selection

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

Article 4 - Duties of Officers

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

4-1-5. Represent the Commission before the County Council and other public bodies except when this responsibility has been delegated to an appropriate official or Commission member.

4-1-6. Carry out other duties as assigned by the Commission.

4-1-7. Fill any vacancies in the offices of Vice-Chair or Secretary by appointment lasting through January 1st of the following year.

4-2. The Vice-Chair shall be an appointed member of the Commission and shall:

4-2-1. Act in the absence or inability of the Chair to act.

4-2-2. Have the powers to function in the same capacity as the Chair in cases of the Chair's inability to act.

4-2-3. Fill immediately any vacancy in the office of Chair through January 1st of the following year.

4-2-4. Be responsible for the orientation of new members of the Commission.

4-3. The Secretary shall:

4-3-1. Keep a written record of all business transacted by the Commission.

4-3-2. Keep a file of all official records and reports of the Commission.

4-3-3. Certify all minutes of the Commission.

4-3-4. Give notice of all hearings and public meetings.

4-3-5. Attend to the correspondence of the Commission.

4-3-6. Keep a set of minutes.

4-3-7. Prepare and be responsible for the publishing of all advertisements relating to public hearings.

4-3-8. If the Secretary is an appointed member of the Commission, the Secretary may, with the consent of the Commission, delegate any of the above responsibilities of the Secretary to the Director of Development Services (or similar official), except that the certification of minutes of the Commission may not be delegated.

Article 5 - Standing and Special Committees

5-1. Any standing committees may be appointed by the Chair.

5-2. Any special committees may be appointed by the Chair and shall function for a duration as set by the Chair. The duties and responsibilities of any special committee shall be clearly defined and outlined at a regularly scheduled Planning Commission meeting.

5-3. Each standing and special committee shall prepare a written report of meetings held to become a part of the permanent records of the Commission.

Article 6 - Meetings

6-1. Regular meetings of the Commission shall be held on the first Thursday of each month, commencing at 5:30pm and ending at 8:00pm. Meetings may be extended beyond 8:00 p.m. With the approval of a majority of the members present. When a meeting date falls on a legal holiday, the meeting shall be held on the week following unless otherwise designated by the Commission.

6-1-1. Commission public hearings shall be held during the regular meeting on the first Thursday of each month.

6-2. Special meetings shall be called at the request of the Chair or at the request of any three members of the Commission. Written notice which states the time and purpose of the special meeting shall be given to each member at least five (5) days prior to such meetings. Noticing of special meetings shall be made in compliance with State Code Ann. §17-27a Part 2 and §17-53 Part 4.

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

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

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

6-6. Electronic Meetings

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

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

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

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

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

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

Article 7 - Order of Business

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

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

7-1-2. Roll call by the Secretary

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

7-1-3. Approval of agenda

7-1-4. Approval of minutes

7-1-5. Report of the Secretary

7-1-6. Consent Agenda

7-1-9. Agenda Items

7-1-9-1. Public Comment

7-1-9-2. Public Hearings

7-1-10. Report of Special Committees

7-1-11. Liaison Reports

7-1-12. Zoning Administrator's Report

7-1-13. Adjournment

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

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

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

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

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

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

Article 8 – Communication and Correspondence

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

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

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

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

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

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

Article 9 - Amendments

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

