

4:45 p.m.

Workshop & Light Refreshments in the County Council Conference Room

5:30 p.m.

Call to order

Opening remarks/Pledge – Brady Christensen

Review and approval of agenda

Review and approval of the minutes of the 7 April 2022 meeting

5:35 p.m.

Consent Items

- 1. Thatcher Minor Subdivision 1st Amendment** – A request to amend the subdivision boundary and Lots 1-5 and create a 2nd Agricultural Remainder in an existing 5-lot subdivision with an agricultural remainder located at 1800 South 3200 West, Young Ward, in the Agricultural (A10) Zone.
- 2. Legacy Minor Subdivision 2nd Amendment** – A request to amend Lots 3 & 4 and remove Agricultural Remainder Parcel A in an existing 5-lot subdivision with three agricultural remainders located at 4679 West 7000 North, near Smithfield, in the Agricultural (A10) Zone.
- 3. Mountain View Subdivision** – A request for a 6-month extension of the effective period of approval for a 3-lot subdivision located at 700 South 5400 West, near Mendon, in the Rural 2 (RU2) Zone.

Regular Action Items

- 4. Public Hearing (5:35 pm): Woodbrey Rezone** – A request to rezone 10.0 acres located at 721 North Highway 23, near Mendon, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone. A rezone to RU2 Zone would allow for a maximum potential of 5 buildable lots for single family residential, whereas the existing A10 Zone allows for a maximum of 1 buildable lot.
- 5. Discussion:** Amending 17.07.030: Use Related Definitions – 4100 Recreational Facility; 17.09.030: Schedule of Zoning Uses by Zoning District – 4100 Recreational Facility.
Continued from 3 March 2022
- 6. Discussion:** The review and amendment of Title 17.07.030 Use Related Definitions and Title 17.07.040 General Definitions including but not limited to uses and definitions related to the following uses:
 - 6400 Mineral Extraction
 - 6410 Topsoil Extraction
 - 6420 Site Grading

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 April 2022

Item

Page

Consent Items

- 1. Bailey Acres Subdivision 1st Amendment..... 2
- 2. Denali South Horse Ranch Subdivision 2
- 3. Old Canyon Subdivision 2
- 4. Zollinger South Subdivision 2

Regular Action Items

- 5. Public Hearing (5:35 pm): Christy Farm Rezone 2
- 6. Mt. Naomi Farms U-Pick Conditional Use Permit..... 3

1 **Present:** Angie Zetterquist, Tim Watkins, Chris Sands, Melinda Lee, Jason Watterson, Lane Parker, Nate
2 Daugs, Taylor Sorensen, Megan Izatt

3 **Start Time: 05:32:00**

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

5 **05:33:00**

6 **Agenda**

7 **Adopted with no changes**

8 **05:33:00**

9 **Minutes**

10 **Minutes from March 3, 2022 approved with no changes.**

11 **05:34:00**

12 **Consent Items**

13 **#1 Bailey Acres Subdivision 1st Amendment**

14 **Tom Bailey** asked what was being approved.

15 **Daugs** responded that lot 3 is being removed, there is no increase in the number of lots.

16 **#2 Denali South Horse Ranch Subdivision**

17 **#3 Old Canyon Subdivision**

18 **#4 Zollinger South Subdivision**

19 *Watterson motioned to approve the consent agenda; Daugs seconded; Passed 5, 0.*

20 **05:37:00**

21 **Regular Action Items**

22 **#5 Public Hearing (5:35 pm): Christy Farm Rezone**

23 **Zetterquist** reviewed the staff report for the Christy Farm Rezone public hearing.

24 **Commissioners** and **Staff** discussed zoning of the surrounding property in Mendon City.

25 **05:42:00**

26 *Lee motioned to open the public hearing; Parker seconded; Passed 5, 0.*

1 **Aaron Christy** stated he would like to build a home on 5 acres and sell the other acres.

2 **05:44:00**

3 **Watterson** motioned to close the public hearing; **Lee** seconded; **Passed 5, 0.**

4 **Parker** motioned to recommend approval to the County Council for the Christy Farm Rezone with the
5 stated conclusions and conditions; **Daug**s seconded; **Passed 5, 0.**

6 **05:45:00**

7 **#6 Mt. Naomi Farms U-Pick Conditional Use Permit**

8 **Zetterquist** reviewed the staff report for the Mt. Naomi Farms U-Pick Conditional Use Permit (CUP).

9 **Commissioners** and **Staff** discussed how this has already been happening on the property so this CUP
10 will bring the property into compliance and why a CUP is needed.

11 **Ms. Meikle** stated they have been operating for 10 years and want to come into compliance.

12 **Parker** asked about the fruit picking.

13 **Ms. Meikle** stated they have table, wine, and juice grapes as well as raspberries and blackberries
14 available for the public to pick.

15 **Watterson** asked about the volume of people who come to pick.

16 **Ms. Meikle** explained their hours of operations and last year there was maximum of 15 cars a day.

17 **Lee** asked about the kids' area.

18 **Ms. Meikle** explained there is a kids' area.

19 **Daug**s motioned to approve the Mt. Naomi Farms U-Pick Conditional Use Permit with the 2 conditions
20 and 2 conclusions; **Lee** seconded; **Passed 5, 0.**

21 **Staff Reports**

22 **Watkins** updated the **Commissioners** on the General Plan.

23 **06:01:00**

24 **Adjourned**

Staff Report: Thatcher Minor Subdivision 1st Amend.

5 May 2022

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: Layne Merritt **Parcel ID#:** 11-121-0001, -0002, -0003, -0004, -0005
Staff Determination: Approval with conditions 11-030-0057, -0062
Type of Action: Administrative
Land Use Authority: Planning Commission

Project Location

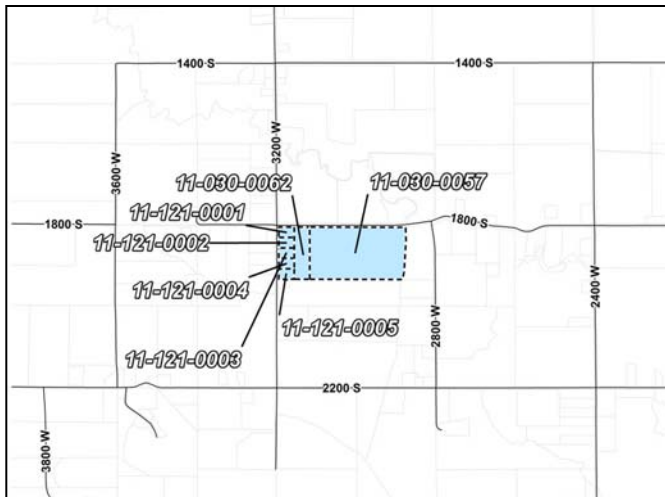
Reviewed by Angie Zetterquist

Project Address:
 1800 South 3200 West
 Young Ward

Current Zoning: Agricultural (A10) **Acres:** 39.8

Surrounding Uses:

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



Findings of Fact

A. Request description

1. The Thatcher Minor Subdivision 1st Amendment is a request to the subdivision boundary and Lots 1-5 and create a 2nd Agricultural Remainder in an existing 5-lot subdivision with a single Agricultural Remainder.
 - a. The subdivision boundary will decrease from 40.8 acres to 39.8 acres;
 - b. Lots 1-4 will increase from 1.0 acre to 2.0 acres each;
 - c. Lot 5 will increase from 1.0 acre to 2.02 acres;
 - d. Agricultural Remainder Parcel 1 will decrease from 35.2 acres to 24.86 acres; and
 - e. The new Agricultural Remainder Parcel 2 will be 5.0 acres.

B. Parcel legality

2. Lots 1-4 are legal as they are in the same configuration as the Thatcher Minor Subdivision approved in 2003. Lot 5 is restricted as there was a boundary line adjustment recorded with Parcel #11-030-0043 in November 2019 that changed the configuration of Lot 5 without going through a subdivision amendment process. The originally approved Agricultural Remainder was divided in June 2021 without going through the subdivision amendment process creating parcel #11-030-0062. The proposed subdivision amendment will remedy the restrictions resulting from boundary line changes and divisions done without Land Use Authority approval. However, the two proposed Agricultural Remainders will remain restricted as, by definition, those parcels are for agricultural use only.

C. Authority

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

D. Culinary water, septic system, and storm water

4. §16.04.080 [A] Water Requirements – As no new lots are being created, confirmation of approved domestic water rights is not required.
5. §16.04.080 [B] Sewage Requirements – A letter regarding septic feasibility is not required with this subdivision amendment request as no new lots are being created.
6. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit may be required for any future development. *See condition #1*

E. Access

7. §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.
8. Table 17.10.040 Site Development Standards – Minimum lot frontage required in the A10 Zone is 90 feet.
9. §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.
10. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
11. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
12. §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.
13. The Road Manual specifies the following:
 - a. §2.1 Roadway Functional Classification – Minor Collector (C) – Minor collector roads provide service to smaller communities and link important traffic generators with the rural hinterland. These routes should be spaced at intervals consistent with population density in order to accumulate traffic from local roads and bring traffic from all developed areas within a reasonable distance of collector roads.

- b. Table B-6 Typical Cross Section Minimum Standards: Minor collector roads must meet the minimum standard of a 66-foot right-of-way, two 11-foot wide paved travel lanes with 6-foot wide shoulders (4 feet paved; 2 feet gravel); 14-inches depth of granular borrow, a 6-inches depth of untreated base course, and 3 inches of bituminous surface course (asphalt).
 - c. Table B-8 Typical Cross Section Structural Values: The minimum structural composition for minor collector roads requires 14” depth of granular borrow, 6” depth of road base, and 3” depth of asphalt
 - d. Local Roads – Local roads are roads whose primary function is to provide access to residences, farms, businesses, or other properties that abut the road, rather than to serve through traffic. Although some through traffic may occasionally use a local road, through traffic service is not the primary purpose of local roads. For purposes of design and construction standards, local roads are subdivided into Major Local (ML) and Minor Local (L) roads.
 - e. §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 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..
 - f. 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 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).
 - g. Table B-8 Typical Cross Section Structural Values: The minimum structural composition for 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 subdivision identifies the following:**
- a. Access to the Thatcher Minor Subdivision is from 3200 West and 1800 South, both county roads.
 - b. 3200 West:
 - i. Is classified as a Minor Collector Road.
 - ii. Is an existing county facility that provides access to agricultural fields and residential homes.
 - iii. Consists of a 24-foot wide paved surface with a 2-foot wide paved shoulders and gravel shoulders.
 - iv. Is maintained year round.
 - v. As no new building lots are being created within the existing subdivision boundary, road improvements are not required.
 - c. 1800 South:
 - i. Is classified as a Major Local Road.
 - ii. Is an existing county facility that provides access to agricultural fields but does not provide residential access for the subdivision.
 - iii. Consists of a 20-foot wide paved surface with a 3-4-foot wide gravel shoulders.
 - iv. Is maintained year round.

- v. Is considered substandard as to the lack of the required 2-foot paved shoulder.
- vi. As no new building lots are being created within the existing subdivision boundary, road improvements are not required.

F. Service Provision

- 15. §16.04.080 [C] Fire Control – The County Fire District visited the subject properties and found the access road meets fire code standards. Any future development on the property must be reevaluated and may require improvements based on the location of the proposed access and development.
- 16. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental provides collection service in this area. Residential carts will need to be placed on the west side of 3200 West for collection. Sufficient shoulder space must be provided along the side of the road for all refuse and recycling containers to be placed 3-to-4 feet apart and be far enough off the road so as not to interfere with passing traffic.

G. Sensitive Areas

- 17. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
 - a. According to the GIS data, there is a small portion of Agricultural Remainder Parcel 2 located within the FEMA Floodplain area.
 - b. An irrigation canal/lateral is located on both the east and west boundaries of the subdivision.
 - c. Any future development located in sensitive areas may require additional analysis and review prior to the issuance of a Zoning Clearance. *See condition #2*

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

- 18. Public notice was posted online to the Utah Public Notice Website on 22 April 2022.
- 19. Notices were posted in three public places on 22 April 2022.
- 20. Notices were mailed to all property owners within 300 feet of the subject property on 22 April 2022.
- 21. At this time, staff has received no written public comment regarding this proposal.

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. A Land Disturbance Permit is required for land disturbance related to future development. (*See D-6*)
- 2. Additional analysis of sensitive areas may be required for future development in addition to any related permits required for development in the sensitive areas. (*See G-17-c*)

Conclusions

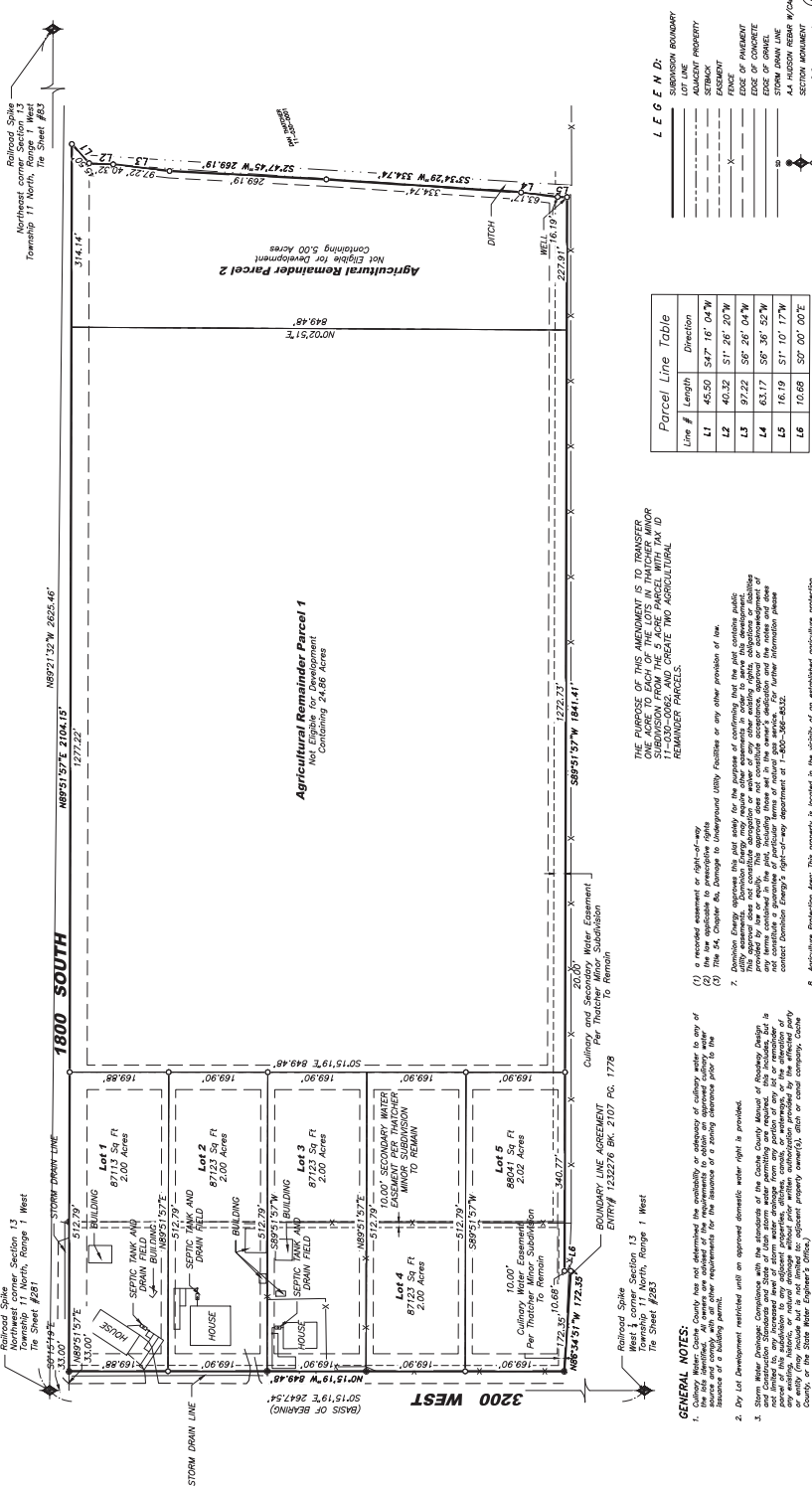
Based on the findings of fact and conditions noted herein, staff recommends approval of the Thatcher Minor Subdivision 1st Amendment as:

- 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.

Thatcher Minor Subdivision 1st Amendment

Amending Lots 1, 2, 3, 4, 5 and the Agricultural Remainder Parcel
A PART OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 11 NORTH, RANGE 1 WEST OF THE
S.L.B.&M. CACHE COUNTY, UTAH

March 31, 2022
GRAPHIC SCALE
1 IN. = 100 FT.
1 CM. = 100 FT.



Parcel Line Table

Line #	Length	Direction
L1	45.50	S47°16'04"W
L2	40.32	S71°26'20"W
L3	97.22	S01°26'04"W
L4	63.17	S01°26'04"W
L5	16.19	S71°10'17"W
L6	10.68	S07°00'00"E

LEGEND:
 --- SECTION BOUNDARY
 --- ADJACENT PROPERTY
 --- SETBACK
 --- FENCE
 --- EDGE OF PAVEMENT
 --- EDGE OF CONCRETE
 --- STORM DRAIN LINE
 --- SECTION MONUMENT
 SET BY REBAR W/ CAP

GENERAL NOTES:
 1. Culinary Water, Cache County has not determined the availability or adequacy of culinary water to any of the lots shown on this plat, and the applicant is responsible for obtaining all necessary permits and approvals from the appropriate agencies for the installation of a water supply system.
 2. Dry Lot Development restricted with an approved domestic water right is prohibited.
 3. Storm Water Drainage: Compliance with the standards of the Cache County Manual of Regulations, Design is required for all lots. The applicant shall provide for the installation and maintenance of a storm water drainage system on all lots. The applicant shall provide for the installation and maintenance of a storm water drainage system on all lots. The applicant shall provide for the installation and maintenance of a storm water drainage system on all lots.
 4. Agricultural Use: Current and future property owners must be aware that they will be subject to the Agricultural Use and Forest Conservation, Agricultural Activities which are permitted uses in the applicable zoning district.
 5. Utility: Utility easements shown on this plat are for utility facilities or operators of utility facilities or operators of utility facilities.
 6. Easements: This plat shows easements for utility facilities or operators of utility facilities or operators of utility facilities.
 7. Easements: This plat shows easements for utility facilities or operators of utility facilities or operators of utility facilities.
 8. Easements: This plat shows easements for utility facilities or operators of utility facilities or operators of utility facilities.
 9. Easements: This plat shows easements for utility facilities or operators of utility facilities or operators of utility facilities.

Record Owners:
 M B REAL ESTATE DEVELOPMENT INC.
 334 MARSHALL WAY STE E, LAYTON, UT 84041
 HOWARD THATCHER
 1820 E 1500 N, LOGAN, UT 84341
 PATRICK & LAURA MURPHY
 1838 S 3200 W, WELLSVILLE, UT 84339
 NICOLAS WINCH & JESSICA LIN TRIPP
 1850 S 3200 W, WELLSVILLE, UT 84339

DEPUTY COUNTY SURVEYOR'S CERTIFICATE
 I, HOWARD THATCHER, DEPUTY COUNTY SURVEYOR, HAVE THIS DAY EXAMINED THE RECORDS OF THE COUNTY AND HAVE FOUND THE ABOVE DESCRIBED PARCEL TO BE CORRECTLY SITUATED AND ACCORDING TO THE RECORDS OF THE COUNTY AND STATE OF UTAH.

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

CACHE COUNTY PLANNING COMMISSION
 BY: _____ CHAIR
 _____ DATE

CACHE COUNTY ATTORNEY
 I, _____, COUNTY ATTORNEY, HAVE THIS DAY EXAMINED THIS PLAT AND APPROVE THE SAME TO BE FILED AS REQUIRED BY STATE LAW AND COUNTY ORDINANCE.
 DATE: _____

DEPUTY COUNTY SURVEYOR'S CERTIFICATE
 I, HOWARD THATCHER, DEPUTY COUNTY SURVEYOR, HAVE THIS DAY EXAMINED THE RECORDS OF THE COUNTY AND HAVE FOUND THE ABOVE DESCRIBED PARCEL TO BE CORRECTLY SITUATED AND ACCORDING TO THE RECORDS OF THE COUNTY AND STATE OF UTAH.

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

CACHE COUNTY PLANNING COMMISSION
 BY: _____ CHAIR
 _____ DATE

CACHE COUNTY ATTORNEY
 I, _____, COUNTY ATTORNEY, HAVE THIS DAY EXAMINED THIS PLAT AND APPROVE THE SAME TO BE FILED AS REQUIRED BY STATE LAW AND COUNTY ORDINANCE.
 DATE: _____

CACHE COUNTY ATTORNEY
 I, _____, COUNTY ATTORNEY, HAVE THIS DAY EXAMINED THIS PLAT AND APPROVE THE SAME TO BE FILED AS REQUIRED BY STATE LAW AND COUNTY ORDINANCE.
 DATE: _____

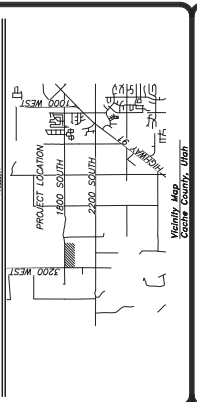
OWNER'S DEDICATION
 THE UNDERSIGNED, BEING ALL OWNERS OF RECORD OF THE ABOVE-DESCRIBED PARCEL OF LAND DO HEREBY SUBMIT SAID PARCEL OF LAND TO THE COUNTY RECORDS AS A DEDICATION TO THE PUBLIC.
 DEDICATION THE ____ DAY OF _____, 2021
 LAYNE J MERRITT
 TRACY MERRITT
 PATRICK MURPHY
 LAURA MURPHY
 NICOLAS WINCH
 JESSICA LIN TRIPP
 BRAD TOLMAN
 HOWARD THATCHER

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

FOR SIGHT
 LAND SURVEYING
 2005 North 600 West, Logan, Utah
 435-753-1910
 Project No. 21-031
 Amendment Prepared by: 10/28/21

SURVEYOR'S CERTIFICATE
 I, HOWARD THATCHER, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE STATE OF UTAH, I HAVE EXAMINED THE RECORDS OF THE COUNTY AND HAVE FOUND THE ABOVE DESCRIBED PARCEL TO BE CORRECTLY SITUATED AND ACCORDING TO THE RECORDS OF THE COUNTY AND STATE OF UTAH.

Subdivision Amendment Boundary
 A PART OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 11 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT A POINT IN THE SOUTH RIGHT-OF-WAY OF 1800 SOUTH WHICH IS THE INTERSECTION OF SAID SOUTH RIGHT-OF-WAY AND THE EAST LINE OF SECTION 13, TOWNSHIP 11 NORTH, RANGE 1 WEST, EAST A DISTANCE OF 33.00 FEET FROM THE BALDWIN STRIKE, MARKING THE NORTHWEST CORNER OF SECTION 13, TOWNSHIP 11 NORTH, RANGE 1 WEST, SAID SOUTH RIGHT-OF-WAY, THENCE RUNNING ALONG A FIELD DITCH THE FOLLOWING SOUTH 172.90° WEST, (1) A DISTANCE OF 94.94 FEET TO A POINT ON 08°29'04" WEST, A DISTANCE OF 97.22 FEET; (2) SOUTH 02°47'43" WEST, A DISTANCE OF 50.89 FEET; (3) SOUTH 03°34'49" WEST, A DISTANCE OF 334.74 FEET; (4) SOUTH 16°19' FEET; THENCE, SOUTH 89°51'57" WEST, A DISTANCE OF 84.19 FEET; THENCE, SOUTH 17°00'00" WEST, A DISTANCE OF 132.00 FEET; THENCE, SOUTH 17°00'00" WEST, A DISTANCE OF 10.68 FEET; THENCE, SOUTH 16°19' FEET; THENCE, SOUTH 17°00'00" WEST, A DISTANCE OF 16.19 FEET TO THE EAST CORNER OF 084844 DEED AND 084844 DEED; THENCE, SOUTH 17°00'00" WEST, A DISTANCE OF 16.19 FEET; THENCE, SOUTH 17°00'00" WEST, A DISTANCE OF 10.68 FEET; THENCE, SOUTH 16°19' FEET; THENCE, SOUTH 17°00'00" WEST, A DISTANCE OF 16.19 FEET TO THE POINT OF BEGINNING.
 CONTAINING 39.88 ACRES IN 5 LOTS AND 2 AGRICULTURAL REMAINDERS.



OWNER'S DEDICATION
 THE UNDERSIGNED, BEING ALL OWNERS OF RECORD OF THE ABOVE-DESCRIBED PARCEL OF LAND DO HEREBY SUBMIT SAID PARCEL OF LAND TO THE COUNTY RECORDS AS A DEDICATION TO THE PUBLIC.
 DEDICATION THE ____ DAY OF _____, 2021
 LAYNE J MERRITT
 TRACY MERRITT
 PATRICK MURPHY
 LAURA MURPHY
 NICOLAS WINCH
 JESSICA LIN TRIPP
 BRAD TOLMAN
 HOWARD THATCHER

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

FOR SIGHT
 LAND SURVEYING
 2005 North 600 West, Logan, Utah
 435-753-1910
 Project No. 21-031
 Amendment Prepared by: 10/28/21

Thatcher Minor Subdivision 1st Amendment

Amending Lots 1, 2, 3, 4, 5 and the Agricultural Remainder Parcel
 A PART OF THE NORTHWEST QUARTER OF SECTION 13 TOWNSHIP 11 NORTH, RANGE 1 WEST OF THE
 S.L.B.&M. CACHE COUNTY, UTAH

<p>STATE OF UTAH) COUNTY OF CACHE) S.S. THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC THIS ____ DAY OF _____, 20____, BY _____ AND _____ WHO PROVED ON BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THIS INSTRUMENT. WITNESS MY HAND AND OFFICIAL SEAL.</p> <p>NOTARY PUBLIC _____</p>	<p>STATE OF UTAH) COUNTY OF CACHE) S.S. THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC THIS ____ DAY OF _____, 20____, BY _____ AND _____ WHO PROVED ON BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THIS INSTRUMENT. WITNESS MY HAND AND OFFICIAL SEAL.</p> <p>NOTARY PUBLIC _____</p>	<p>STATE OF UTAH) COUNTY OF CACHE) S.S. THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC THIS ____ DAY OF _____, 20____, BY _____ AND _____ WHO PROVED ON BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THIS INSTRUMENT AND THAT SAID DOCUMENT WAS SIGNED BY ITS HEALERS IN THE PRESENCE OF SAID _____ BY AUTHORITY OF WITNESS MY HAND AND OFFICIAL SEAL.</p> <p>NOTARY PUBLIC _____</p>
<p>STATE OF UTAH) COUNTY OF CACHE) S.S. THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC THIS ____ DAY OF _____, 20____, BY _____ AND _____ WHO PROVED ON BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THIS INSTRUMENT. WITNESS MY HAND AND OFFICIAL SEAL.</p> <p>NOTARY PUBLIC _____</p>	<p>STATE OF UTAH) COUNTY OF CACHE) S.S. THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC THIS ____ DAY OF _____, 20____, BY _____ AND _____ WHO PROVED ON BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THIS INSTRUMENT. WITNESS MY HAND AND OFFICIAL SEAL.</p> <p>NOTARY PUBLIC _____</p>	<p>STATE OF UTAH) COUNTY OF CACHE) S.S. THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC THIS ____ DAY OF _____, 20____, BY _____ AND _____ WHO PROVED ON BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THIS INSTRUMENT. WITNESS MY HAND AND OFFICIAL SEAL.</p> <p>NOTARY PUBLIC _____</p>
<p>STATE OF UTAH) COUNTY OF CACHE) S.S. THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC THIS ____ DAY OF _____, 20____, BY _____ AND _____ WHO PROVED ON BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THIS INSTRUMENT. WITNESS MY HAND AND OFFICIAL SEAL.</p> <p>NOTARY PUBLIC _____</p>	<p>STATE OF UTAH) COUNTY OF CACHE) S.S. THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC THIS ____ DAY OF _____, 20____, BY _____ AND _____ WHO PROVED ON BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THIS INSTRUMENT. WITNESS MY HAND AND OFFICIAL SEAL.</p> <p>NOTARY PUBLIC _____</p>	<p>STATE OF UTAH) COUNTY OF CACHE) S.S. THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC THIS ____ DAY OF _____, 20____, BY _____ AND _____ WHO PROVED ON BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THIS INSTRUMENT. WITNESS MY HAND AND OFFICIAL SEAL.</p> <p>NOTARY PUBLIC _____</p>

Staff Report: Legacy Minor Subdivision 2nd Amend.

5 May 2022

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: Winston Haycock
Staff Determination: Approval with conditions
Type of Action: Administrative
Land Use Authority: Planning Commission

Parcel ID#: 13-072-0003, -0004

Project Location

Reviewed by Angie Zetterquist

Project Address:
 4679 West 7000 North
 near Smithfield
Current Zoning:
 Agricultural (A10)

Acres: 11.5

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



Findings of Fact

A. Request description

1. The Legacy Minor Subdivision 2nd Amendment is a request to amend Lots 3 & 4 and remove Agricultural Remainder Parcel A in an existing 5-lot subdivision with three Agricultural Remainders.
 - a. The 7.58-acre Agricultural Remainder Parcel “A” will be removed and merge with Lots 3 & 4;
 - b. Lot 3 will increase from 2.0 acres to 7.5 acres; and
 - c. Lot 4 will increase from 2.0 acres to 3.9 acres.

B. Parcel legality

2. Lots 3 & 4 are currently restricted as the proposed changes to their boundaries and the removal of Agricultural Remainder Parcel “A” were recorded in 2004 without going through the subdivision amendment process and receiving approval from the Land Use Authority. The original Legacy Minor Subdivision was approved in 1998 as 4-lot subdivision on 7.42 acres. The subdivision was amended in 2002 to allow a 5th buildable lot and extend the subdivision boundary to include three Agricultural Remainder Parcels (i.e., “A”, “B”, & “C”). The proposed subdivision amendment will remedy the restrictions resulting from boundary line changes done without Land Use Authority approval.

C. Authority

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

D. Culinary water, septic system, and storm water

4. §16.04.080 [A] Water Requirements – As no new lots are being created, confirmation of approved domestic water rights is not required.
5. §16.04.080 [B] Sewage Requirements – A letter regarding septic feasibility is not required with this subdivision amendment request as no new lots are being created.
6. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit may be required for any future development. *See condition #1*

E. Access

7. §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.
8. Table 17.10.040 Site Development Standards – Minimum lot frontage required in the A10 Zone is 90 feet.
9. §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.
10. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
11. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
12. §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.
13. The Road Manual specifies the following:
 - a. §2.1 Roadway Functional Classification – Minor Collector (C) – Minor collector roads provide service to smaller communities and link important traffic generators with the rural hinterland. These routes should be spaced at intervals consistent with population density in order to accumulate traffic from local roads and bring traffic from all developed areas within a reasonable distance of collector roads.
 - b. Table B-6 Typical Cross Section Minimum Standards: Minor collector roads must meet the minimum standard of a 66-foot right-of-way, two 11-foot wide paved travel lanes with 6-foot

wide shoulders (4 feet paved; 2 feet gravel); 14-inches depth of granular borrow, a 6-inches depth of untreated base course, and 3 inches of bituminous surface course (asphalt).

- c. Table B-8 Typical Cross Section Structural Values: The minimum structural composition for minor collector 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 subdivision identifies the following:

- a. Access to the Legacy Minor Subdivision is from 7000 North, a county road.
- b. 7000 North:
 - i. Is classified as a Minor Collector Road as it connects 4800 West to 2400 West.
 - ii. Is an existing county facility that provides access to agricultural fields and residential homes.
 - iii. Consists of a 19-20-foot wide gravel surface with no shoulders.
 - iv. Is maintained year round.
 - v. Is considered substandard as to the paved and gravel shoulders, material, and structure.
 - vi. As no new building lots are being proposed to the existing subdivision, road improvements are not required.

F. Service Provision

15. §16.04.080 [C] Fire Control – The County Fire District visited the subject properties and has no issues with the proposed amendment. Any future development on the property must be reevaluated and may require improvements based on the location of the proposed access and development.

16. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental provides collection service in this area, but had no comments on the proposed amendment.

G. Sensitive Areas

17. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area

- a. According to the GIS data, there are no known sensitive areas within the proposed subdivision amendment boundary.
- b. Any future development located in sensitive areas may require additional analysis and review prior to the issuance of a Zoning Clearance. *See condition #2*

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

18. Public notice was posted online to the Utah Public Notice Website on 22 April 2022.

19. Notices were posted in three public places on 22 April 2022.

20. Notices were mailed to all property owners within 300 feet of the subject property on 22 April 2022.

21. At this time, staff has received no written public comment regarding this proposal.

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. A Land Disturbance Permit is required for land disturbance related to future development. (*See D-6*)
2. Additional analysis of sensitive areas may be required for future development in addition to any related permits required for development in the sensitive areas. (*See G-17-c*)

Conclusions

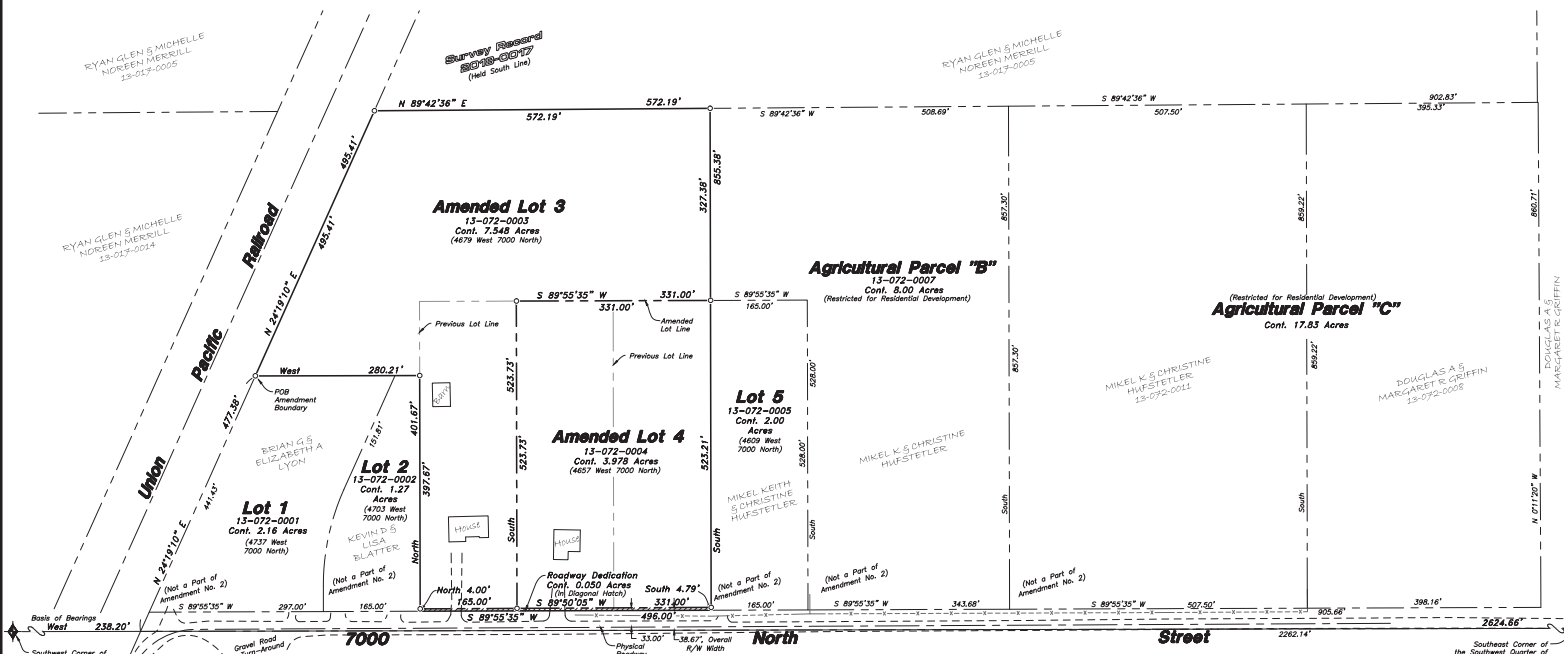
Based on the findings of fact and conditions noted herein, staff recommends approval of the Legacy Minor Subdivision 2nd Amendment as:

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.

Legacy Minor Subdivision Amendment No. 2

(Amending Agricultural Parcel "A" and Merging it into Lot 3 & into Lot 4)

A Part of the Southwest Quarter of Section 15, Township 13 North, Range 1 West, Salt Lake Base & Meridian, Cache County, Utah



SURVEYOR'S CERTIFICATE
I, Clinton G. Hansen, do hereby certify that I am a Registered Land Surveyor, and that I hold certificate No. 7881387, as prescribed under the laws of the State of Utah. I further certify that by authority of the owners I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land hereafter to be known as Legacy Minor Subdivision Amendment No. 2 and the same had been correctly surveyed and all streets are the dimensions shown.



Date _____

AMENDMENT BOUNDARY
A Part of the Southwest Quarter of Section 15, Township 13 North, Range 1 West of the Salt Lake Base and Meridian and All of the Agricultural Parcel "A", Lot 3, and Lot 4 of the Legacy Minor Subdivision Amended Plat, Entry Number 722247 of the Official Records of Cache County.

Beginning at the Westerly Corner of said Agricultural Parcel "A" and Running thence North 24°19'10" East 495.41 Feet; Thence North 89°42'36" East 572.19 Feet; Thence South 85°53'35" West 496.00 Feet; Thence North 401.87 Feet; Thence West 280.21 Feet to the Point of Beginning, Containing 11.576 Acres.

OWNER'S DEDICATION
Know all men by these presents that we the undersigned owners of the tract of land (Parcel 13-072-0003 & 13-072-0004) depicted and described hereon, having caused the same to be subdivided into lots and streets (as pertains), the whole to be hereinafter known as the Legacy Minor Subdivision Amendment No. 2. Further we dedicate and/or quit claim as appropriate the portion of property of [13-072-0003 & 13-072-0004] that lies within 33 feet of the center line of the existing roadway, and as shown on this plat, to cache county, for the use of the public forever, and hereby grant to the county the right to make any and all improvements for the construction, maintenance, and repair of said roadway. We hereby set our signatures

Amy R. Haycock _____ Date _____
Winston P. Haycock _____ Date _____
Kade J. Sweeten _____ Date _____
Kelsea L. Sweeten _____ Date _____

ACKNOWLEDGMENT
State of Utah
County of _____

On this _____ day of _____, 20____, Amy R. Haycock & Winston P. Haycock, Husband and Wife, Personally Appeared before me, the Undersigned Notary Public in and for said County, in the State of Utah, the Signers of the Attached Owners Dedication, whom duly acknowledged to me they Signed it Freely and Voluntarily and for the Purpose Therein Mentioned.

Notary Public Signature _____
Notary Public Commissioned in Utah (Print Name) _____
Commission Number - Expires _____

ACKNOWLEDGMENT
State of Utah
County of _____

On this _____ day of _____, 20____, Kade J. Sweeten and Kelsea L. Sweeten husband and wife as joint tenants, Personally Appeared before me, the Undersigned Notary Public in and for said County, in the State of Utah, the Signers of the Attached Owners Dedication, whom duly acknowledged to me they Signed it Freely and Voluntarily and for the Purpose Therein Mentioned.

Notary Public Signature _____
Notary Public Commissioned in Utah (Print Name) _____
Commission Number - Expires _____

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

Filed and Recorded:
Filing No.: _____
Date: _____
Time: _____
Book: _____
Page: _____
Request of: _____

GENERAL NOTES:
A. **Culinary Water Note:** 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.
B. **Storm Water Drainage Note:** Storm Water Drainages: Compliance with the standards of the Cache County Manual of Roadway Design and Construction Standards and State of Utah storm water permitting are required. This includes, but is not limited to, any increased level of storm water drainage from any portion of any lot or remainder parcel of this subdivision to any adjacent properties, ditches, canals, or waterways, or the alteration of any existing, historic, or natural drainage without prior written authorization provided by the affected party or entity (may include but is not limited to: adjacent property owner(s), ditch or canal company, Cache County, or the State Water Agency's Office.)
C. **Setback Lines for Primary Buildings are:** 12.00' on Side Yards; 30.00' on Front Yards; 30.00' on Rear Yard
D. **Agricultural Uses:** Current and future property owners must be aware that they will be subject to the sights, sounds, and smells associated with agricultural activities which are permitted uses in the Agricultural Zone.

POWER NOTE:
1. Pursuant to Utah Code Ann. 54-3-27 this plat conveys to the owner(s) or operators of utility facilities a public utility easement along with all the rights and duties described therein.
2. Pursuant to Utah Code Ann. 17-27a-603(4)(c)(ii) Rocky Mountain Power accepts delivery of the P.U.E. as described in this plat and approves this plat solely for the purpose of confirming that the plat contains public utility easements and approximates the location of the public utility easements, but does not warrant their precise location. Rocky mountain power may require other easements in order to serve this development. This approval does not affect any right that Rocky Mountain Power has under:
(1) a recorded easement or right-of-way;
(2) the law applicable to prescriptive rights;
(3) title 54, chapter 8a, damage to underground utility facilities or
(4) any other provision of law.

Approved by the Rocky Mountain Power, this day _____ of _____ A.D., 20____.
By: _____ Title: _____

NARRATIVE
The purpose of this survey was to amend the subdivision as shown and described hereon. The survey was ordered by Winston Haycock. The survey is located in the Southwest Quarter of Section 15, Township 13 North, Range 1 West, Salt Lake Base & Meridian. The basis of bearing the South Line of said Southwest Quarter, which bears due West and Rotated 0°07'25" from the Utah Coordinate System 1983 North Zone.

ADVANCED LAND SURVEYING
1770 Research Park Way #11
Logan Utah 84341
(p) 435-779-9585 (f) 435-514-5883
www.advancedland.com
21-295 - CDH - 02/02/2022 - Rev. 0

DEVELOPER
Winston Haycock
4679 W 7000 N
Smithfield UT 84335
801-644-9006

RECORD OWNERS
Winston & Amy Haycock
4679 W 7000 N
Smithfield UT 84335

Kade & Kelsea Sweeten
4657 W 7000 N
Smithfield UT 84335

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

Cache County Attorney _____ Date _____

DEPUTY COUNTY SURVEYOR'S CERTIFICATE
I certify that I have had this plat examined and find that it is correct, and in accordance with the information on file in this office and further, it meets the minimum standards for plats required by county ordinance and state law.

Deputy County Surveyor _____ Date _____

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

Chairperson _____

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

By: _____ Title: _____



Scale: 1" = 100'
100' 200'

- LEGEND**
- Amended Subd. Boundary Line
 - Adjoining property Line
 - Easement Line
 - Dead Line
 - Edge of Gravel
 - Existing Fence Line
 - Existing Water Line
 - Existing Overhead Power
 - Power Pole
 - Fire Hydrant
 - Section Corner
 - Found Survey Point
 - Set 5/8" by 24" Rebar With Cap

Memorandum

5 May 2022

To: Planning Commission

Subject: 6-month time extension request for the proposed Mountain View Subdivision

A request has been made by Mt. Logan Funding, Inc., the property owner of the Mountain View Subdivision, for a 6-month extension of the effective period of approval for a 3-lot subdivision located at 700 South 5400 West, near Mendon, in the Rural 2 (RU2) Zone (Attachment A).

The 3-lot subdivision was approved by the Planning Commission on 3 June 2021. The effective approval date for a subdivision approval is one year; subsequently, the current expiration date for the approval is 3 June 2022. If the plat is not recorded by the expiration date, the approval and plat is void and the file closed.

Before a plat can be recorded, all conditions of approval must be met or, as necessary, an improvement agreement for required infrastructure must be in place. As of this date, the applicant still has outstanding conditions of approval. The applicant has been working to meet the outstanding conditions, but needs additional time to secure access to the subdivision as well as submit and obtain approval of road improvement plans with the Public Works Department and complete the work required.

In 2018, §17.02.050, Effective Period of Land Use Authority Approval, was amended to allow an approval of an administrative land use decision to be extended up to six (6) months at the discretion of the land use authority (§17.02.050(F)). The same code update to Title 17.02 also changed the land use authority for subdivision approvals from the County Council to the Planning Commission in §17.02.030 (Establishing Land Use Authority Duties, Authorities, and Powers). Consequently, the Planning Commission is the land use authority with the power to consider this extension request.

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

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

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

1. The remaining conditions for the subdivision are in process, but it cannot be completed prior to the expiration date for the subdivision.

Staff recommends that the Planning Commission approve this request to extend the effective date of approval to **3 December 2022**, the full 6-month time extension allowed per code, as:

1. The request for a time extension complies with the requirements of §17.02.050(F) and the applicant has shown a clear pattern of working to record the plat through the approval period.

Staff Report: Woodbrey Rezone

5 May 2022

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: Kristi Lee Woodbrey Nielsen

Parcel ID#: 12-033-0020

Staff Recommendation: Denial

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Angie Zetterquist

Project Address:
721 N Highway 23
Mendon

Acres: 10.0

Surrounding Uses:

North – Residential/Agricultural

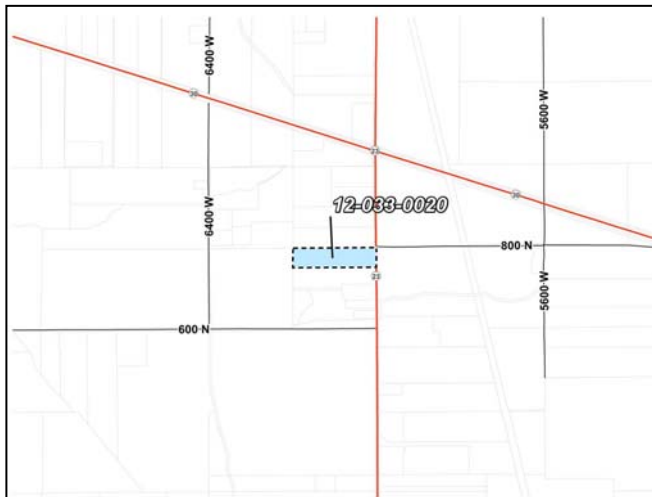
South – Residential/Agricultural

East – Agricultural

West – Agricultural/Residential

Current Zoning:
Agricultural (A10)

Proposed Zoning:
Rural 2 (RU2)



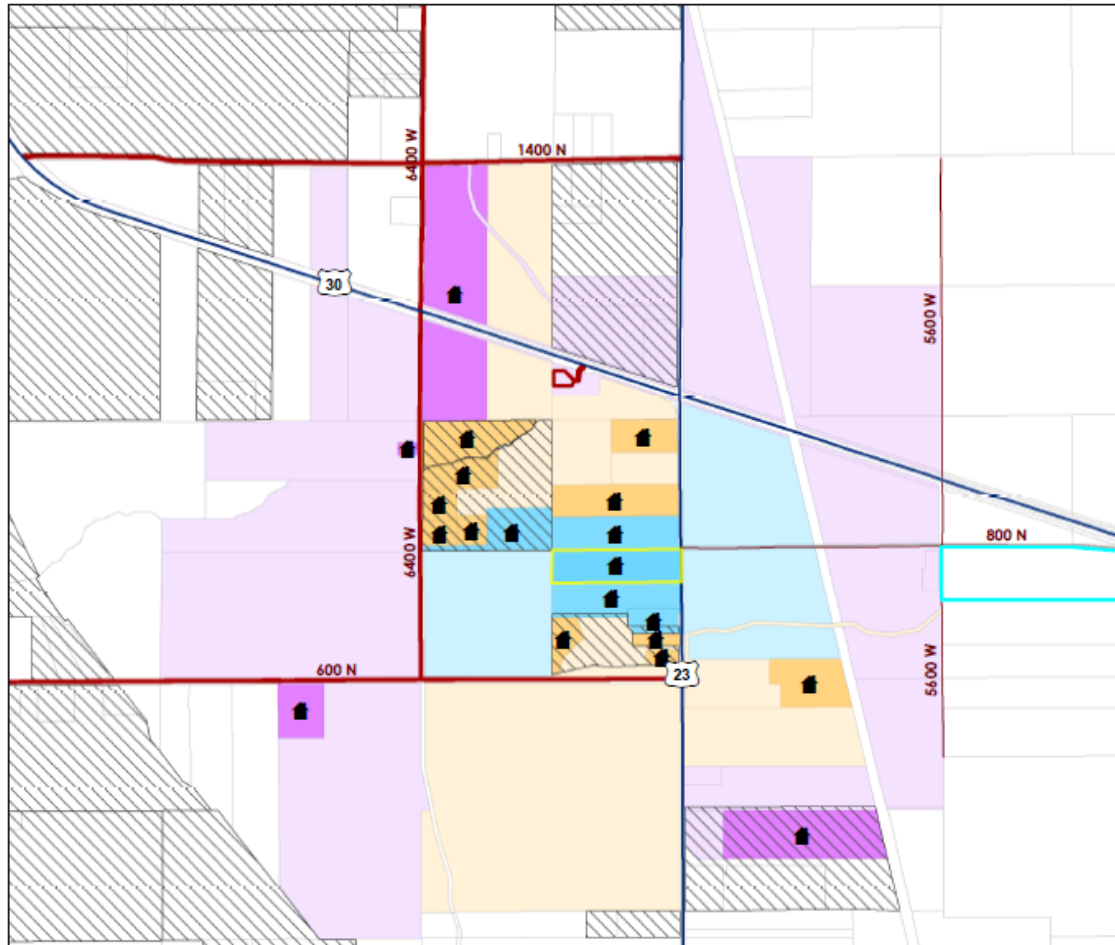
Findings of Fact

A. Request description

1. A request to rezone 10.0 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
2. This rezone may allow the parcel to be legally divided into a maximum of 5 separate lots as part of a subdivision process.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text:

a. Land Use Context:

- i. Parcel status: The subject property is legal although it is not in the same size and configuration as August 8, 2006. In 2006, there were three separate parcels (#-0020, -0026, & -0028), but they were combined in September 2016 to the existing one parcel configuration. Under the current density requirements of the Agricultural (A10) Zone, the subject property cannot be further divided.
- ii. Average Lot Size: (See Attachment A):



Average Parcel Size	
Adjacent Parcels	With a Home: 8 Acres (5 Parcels)
	Without a Home: 27.2 Acres (4 Parcels)
1/4 Mile Buffer	With a Home: 5.6 Acres (16 Parcels)
	Without a Home: 24.4 Acres (15 Parcels)
1/2 Mile Buffer	With a Home: 7.4 Acres (20 Parcels)
	Without a Home: 22.5 Acres (39 Parcels)

The proposed RU2 zone allows a maximum density of 1 lot for every 2 acres, whereas the current A10 zone allows a maximum density of 1 lot for every 10 acres. With approximately 10.0 acres of property, the subject property cannot be further divided under the current A10 Zone standards. A rezone to RU2 may allow up to a maximum of 5 buildable lots.

- iii. Schedule of Zoning Uses: Under the current County Land Use Ordinance, the RU2 Zone is more restrictive in the uses allowed when compared to the Agricultural (A10) Zone. There are no uses that are allowed as a permitted or conditional use within the RU2 Zone that are not allowed as a permitted or conditional use within the A10 Zone. The following uses are conditional uses in the A10 Zone but are not allowed in the RU2 Zone:
 - Agricultural Manufacturing
 - Recreational Facility
 - Cemetery
 - Private Airport
 - Concentrated Animal Feed Operation
 - Livestock Auction Facility
 - Topsoil Extraction
- iv. Adjacent uses: The properties adjacent to the subject rezone are primarily used for agriculture and single family dwellings.
- v. Annexation Areas: The subject property is located within the Mendon City future annexation area, but it is located 1.09 miles north of the nearest Mendon City boundary.
- vi. Zone Placement: As identified by the Planning Commission and the County Council at the time the RU2 Zone was adopted, the intended/anticipated placement of this zone was in areas of the unincorporated county adjacent to municipalities. The nearest Mendon City boundary is approximately 1.09 miles south of the subject property along Highway 23.

The nearest RU2 zone is High Country Estates in Petersboro west of the subject property approved in July 2011. The next closest RU2 Zones are located south of the Mendon City boundary. These RU2 Zones include the Christy Rezone approved in June 2021, but a subdivision application has not been submitted; the Mountain View Meadow Rezone approved in November 2018 (this rezone was for a 6.29 acre parcel located on 2000 South, a maintained County road that required minimal improvements when the 3-lot subdivision was approved in February 2019); and the Christy Farm Rezone which is pending before County Council, but was recommended for approval by the Planning Commission in April 2022.

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

4. As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
5. The current County Land Use Ordinance does not specify appropriate locations for the Rural 2 (RU2) Zone but does contain possible guidelines for its implementation. County Land Use Ordinance §17.08.030 [B] [1] identifies the purpose of the RU2 Zone and includes the following:
 - a. “To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede

adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.

b. To implement the policies of the Cache Countywide Comprehensive Plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipal standards.

c. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.”

6. Consideration of impacts related to uses allowed within the RU2 Zone will be addressed as part of each respective approval process required prior to site development activities.

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

7. §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.

8. Table 17.10.040 Site Development Standards – Minimum lot frontage required in the RU2 Zone is 90 feet.

9. §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

10. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.

11. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).

12. §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.

13. A basic review of the access to the subject property identifies the following:

a. Primary access to the subject properties is from State Road 23, a UDOT facility.

14. SR-23:

a. Is an existing UDOT county facility classified as a Minor Arterial.

b. Minor Arterials in rural areas are typically designed to provide relatively high overall travel speeds with minimum interference to through movement.

c. Does provide access to multiple dwellings and agricultural uses, but is primarily the main connection between Mendon and Wellsville to access SR-30 and Hwy 89/91.

d. This section of SR-23 is classified per UODT as an Access Category 4, which has a minimum driveway spacing of 500 feet and a minimum street spacing of 660 feet.

e. Access to any proposed development must be approved by UDOT.

f. Additionally, frontage for buildable lots in the County requires a minimum of 90 feet on a public or private road. Based on an initial review of the existing County road grid and existing driveways along SR-23, it does not appear access that meets the requirements of the County Road Manual is possible in combination with UDOT requirements. A private road built along the south property line of the subject property to meet the private road frontage requirement of the County does not meet spacing requirements from the intersection of 800 North. Frontage on a public road might be possible if the County road, 800 North, was extended west to create a connection to 6400 West, but the probable location of the road connection is located on the adjacent properties not owned by the applicant.

D. Service Provisions:

15. §16.04.080 [C] Fire Control – The County Fire District had no comments on the rezone. Future access must be reevaluated and may require improvements based on the location of any proposed structure on lots created through a subdivision process.

16. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental provides refuse collection in this area, but had no comments on the rezone request.

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

17. Public notice was posted online to the Utah Public Notice Website on 22 April 2022.

18. Notices were posted in three public places on 22 April 2022.

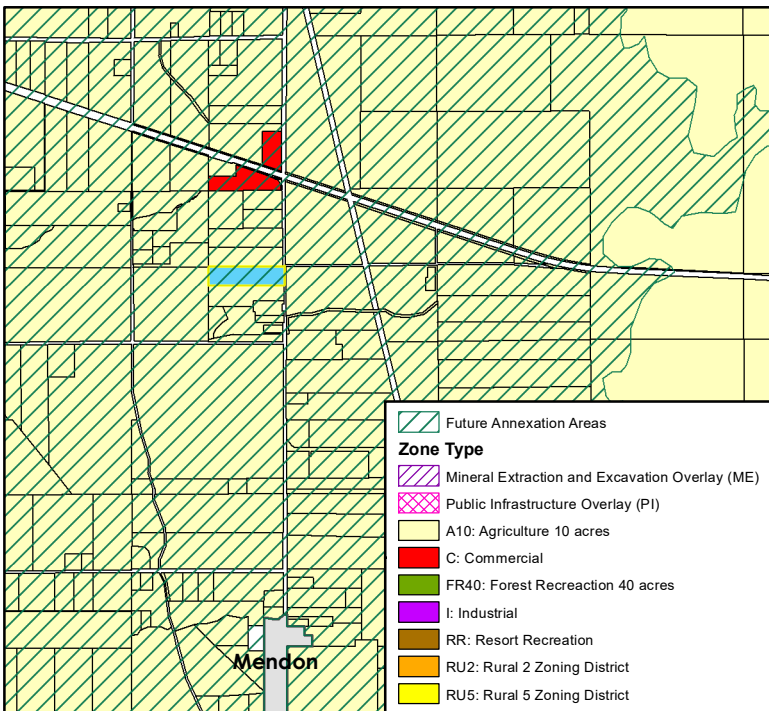
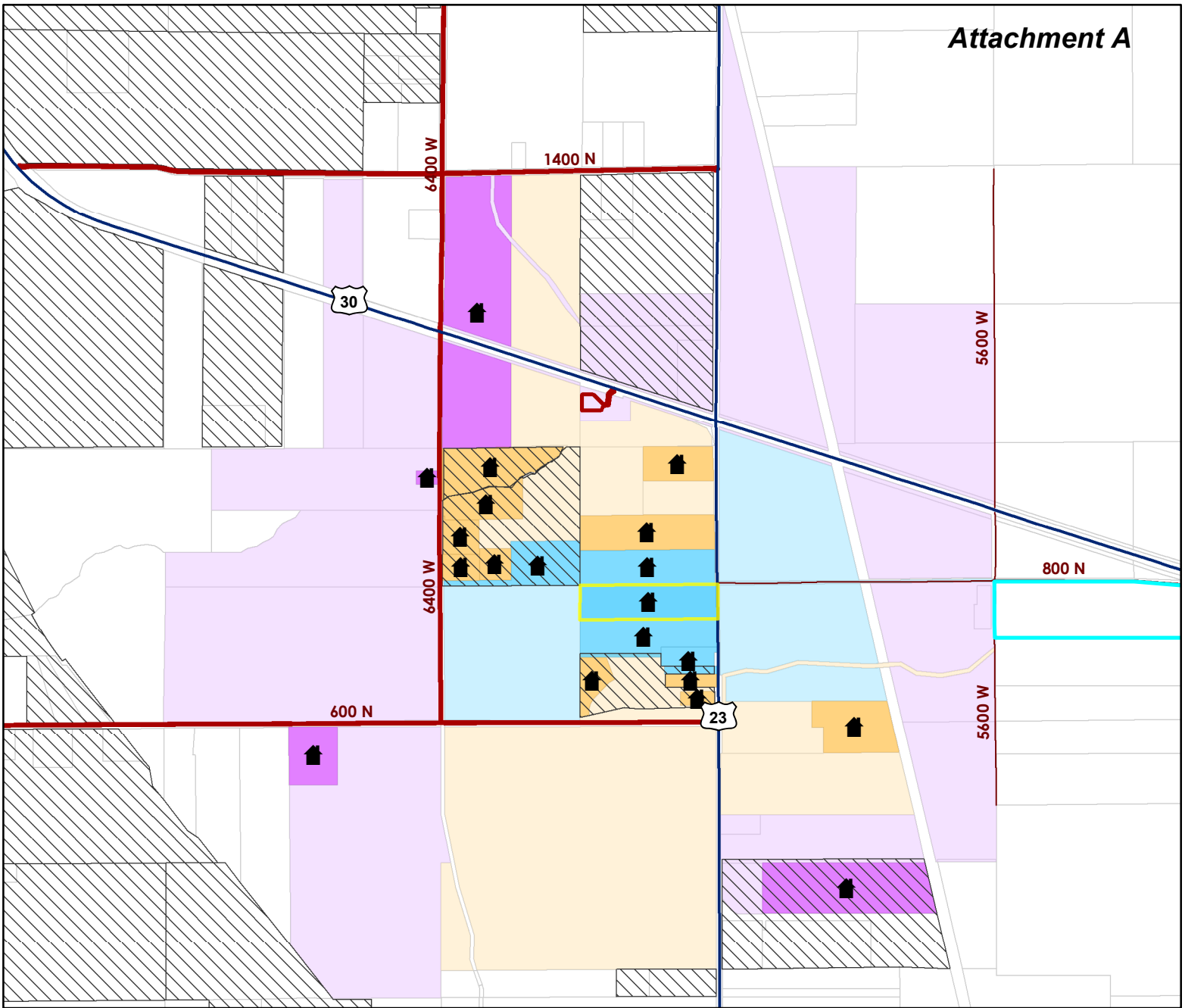
19. Notices were mailed to all property owners within 300 feet on 22 April 2022.

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

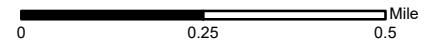
Recommendation & Conclusion

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

1. The location of the subject property is not compatible with the purpose of the Rural (RU2) Zone as identified under §17.08.030[A] and the Road Manual of the Cache County Code as it:
 - a. It is not in close proximity to the Mendon City boundary.
 - b. Does not allow for adequate access along SR-23, a UDOT facility, that meets the requirements of spacing for a UDOT Minor Arterial/Access Category 4 nor the requirements of the County Land Use Code and Road Manual.



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



Legend

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

Average Parcel Size	
Adjacent Parcels	With a Home: 8 Acres (5 Parcels)
	Without a Home: 27.2 Acres (4 Parcels)
1/4 Mile Buffer	With a Home: 5.6 Acres (16 Parcels)
	Without a Home: 24.4 Acres (15 Parcels)
1/2 Mile Buffer	With a Home: 7.4 Acres (20 Parcels)
	Without a Home: 22.5 Acres (39 Parcels)

