

4:45 p.m.

Workshop & Light Refreshments in the County Council Conference Room

5:30 p.m.

Call to order

Opening remarks/Pledge – Brandon Spackman

Review and approval of agenda

Review and approval of the minutes of the 5 May 2022 meeting

5:35 p.m.

Consent Items

- 1. Cutler Valley Subdivision** – A request to create a 6-lot subdivision with an agricultural remainder on 65.72 acres located at ~6600 North Highway 23, near Newton, in the Rural 5 (RU5) Zone.

Regular Action Items

- 2. Public Hearing (5:35 pm): Veibell Rezone** – A request to rezone 4.36 acres located at 1845 North 8000 West, Petersboro, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone. A rezone to RU2 Zone would allow for a maximum potential of 2 buildable lots for single family residential, whereas the existing A10 Zone allows for a maximum of 1 buildable lot.
- 3. Public Hearing (5:50 pm): Jershon Rezone** – A request to rezone 33.3 acres located at ~9800 North 200 East, near Richmond, from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone. A rezone to RU5 Zone would allow for a maximum potential of 6 buildable lots for single family residential, whereas the existing A10 Zone allows for a maximum of 3 buildable lots
- 4. Holyoak Airport Conditional Use Permit** – A review of the existing Conditional Use Permit (CUP) to operate a private airport to determine the status of the CUP, compliance with the conditions of approval, and to determine if the CUP meets the County Code requirements for revocation of the approval. The private airport is located at 6523 West 400 South, near Mendon, the Agricultural (A10) Zone. *Continued from 3 March 2022*
- 5. Discussion:** Amending the Use Related Definition, 5810 Private Airport *Continued from 2 December 2021*
- 6. 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 5 May 2022*

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

5 May 2022

Item

Page

Consent Items

- 1. Thatcher Minor Subdivision 1st Amendment 2
- 2. Legacy Minor Subdivision 2nd Amendment..... 2
- 3. Mountain View Subdivision 2

Regular Action Items

- 4. Public Hearing (5:35 pm): Woodbrey Rezone..... 2
- 5. Discussion: Amending 17.07.030: Use Related Definitions..... 3
- 6. Discussion: Review and Amendment of Title 17.07.030 and 17.07.040 3

1 **Present:** Angie Zetterquist, Tim Watkins, Lane Parker, Jason Watterson, Brady Christensen, Chris
2 Sands, Melinda Lee, Brandon Spackman, Nathan Daug, Taylor Sorensen, Megan Izatt

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

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

5 **05:32:00**

6 **Agenda**

7 **Adopted with no changes.**

8 **05:33:00**

9 **Minutes**

10 **Minutes from April 7, 2022 approved with no changes.**

11 **05:33:00**

12 **Consent Items**

13 **#1 Thatcher Minor Subdivision 1st Amendment**

14 **#2 Legacy Minor Subdivision 2nd Amendment**

15 **#3 Mountain View Subdivision – Extension Request**

16 *Spackman* motioned to approve the consent agenda; *Parker* seconded; **Passed 7, 0.**

17 **05:33:00**

18 **Regular Action Items**

19 **#4 Public Hearing (5:35 pm): Woodbrey Rezone**

20 **Zetterquist** reviewed the staff report for the Woodbrey Rezone.

21 **05:42:00**

22 *Parker* motioned to open the public hearing for the Woodbrey Rezone; *Christensen* seconded; **Passed 7,**
23 **0.**

24 **Kristy Nelson** commented that she wants to split the property so that her brother can build a home.

25 **Sands** asked why the request for the RU2.

26 **Ms. Nelson** commented that staff suggested RU2 over the RU5.

1 **Zetterquist** replied that if any acreage was taken out for sensitive areas there would not be enough
2 developable acreage under the RU5 to divide the property.

3 **Bruce Reussen** commented against the rezone due to other applications in the area being denied.

4 **Valerie Harris** commented against the rezone due to wanting the area to remain agriculture.

5 **05:45:00**

6 *Parker* motioned to close the public hearing; *Christensen* seconded; **Passed 7, 0.**

7 **Staff** and **Commission** discussed why staff recommended RU2 over RU5.

8 *Daug*s motioned to recommend denial based on the one conclusion; *Lee* seconded; **Passed 7, 0.**

9 **05:47:00**

10 **#5 Discussion: Amending 107:07:030 Use Related Definitions – 4100 Recreational Facility,**
11 **17.09.030 – Schedule of Zoning Uses by Zoning Districts – 4100 Recreational Facility**

12 **Watkins** reviewed the reasons behind the suggested amendments and what the amendments are.

13 **Staff** and **Commissioners** discussed single RV parking areas under an Agritourism Use Type and how
14 this could be beneficial and some of the negatives that come with it.

15 **06:30:00**

16 **#6 Discussion: Review and Amendment 17.07.030 Use Related Definitions and 17.07.040: General**
17 **Definitions**

18 **Watkins** reviewed the suggested amendments for 17.07.030: Use Related Definitions and 17.07.040:
19 General Definitions for 6400 Mineral Extraction, 6410 Topsoil Extraction, 6420 Site Grading.

20 **Staff** and **Commissioners** discussed the need for clarity in the ordinance sections.

21 **06:55:00**

22 **Adjourned**

Staff Report: Veibell Rezone

2 June 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: Craig Veibell

Parcel ID#: 12-046-0009

Staff Recommendation: Denial

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Angie Zetterquist

Project Address:
1845 North 8000 West
Petersboro

Acres: 4.36

Surrounding Uses:

North – Residential

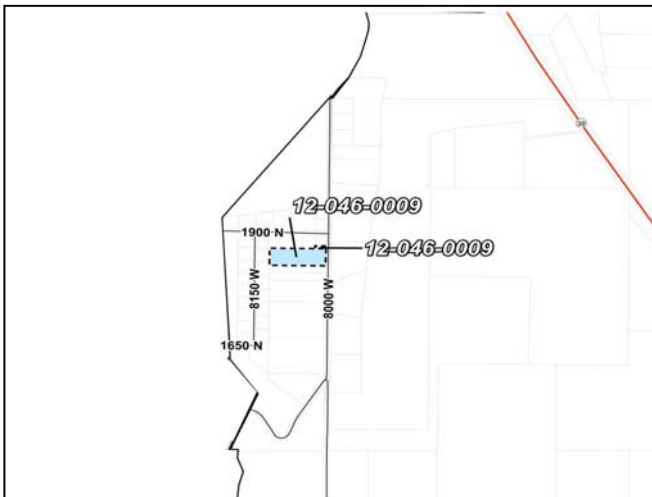
South – Residential

East – Residential/Agricultural

West – Residential

Current Zoning:
Agricultural (A10)

Proposed Zoning:
Rural 2 (RU2)



Findings of Fact

A. Request description

1. A request to rezone 4.36 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone.
2. This rezone may allow the parcel to be legally divided into a maximum of 8 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:

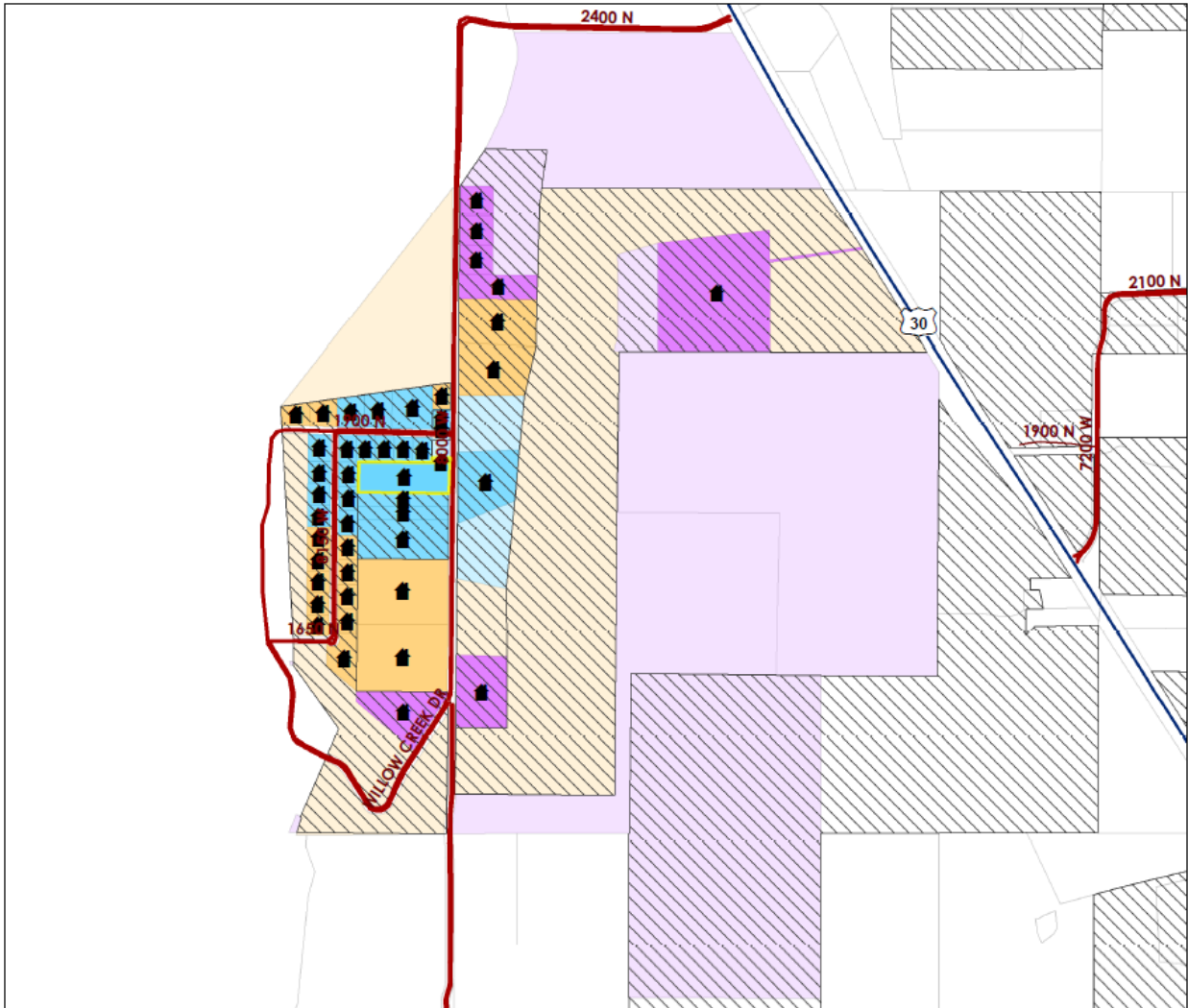
a. Land Use Context:

- i. Parcel status: In August 2006, the subject property was 3.6 acres and parcel number 12-046-0010 existed as a 0.71 acre property directly to the south of the subject property. The two parcels were combined in December 2008. On May 13, 1999, two CUPs were issued for parcel #'s 12-046-0009 & -0010. The first CUP provided for restricted-lot relief for 3.7 acre parcel with an existing single family dwelling located at 14015 North 400 West, Beaver Dam (Box Elder County address) and for a 0.71 acre parcel with an existing shop located at 14005 North 400 West, Beaver Dam (Box Elder County address), which were previously divided without approvals. On the same day in May 1999, a CUP was issued to allow a commercial business call Com-Tech Manufacturing Service, Inc. to be housed in the existing shop on parcel 12-046-0010 (0.71 acres), property owned by Willow Creek Water Company, LC. The CUP was amended in 2000, to allow the expansion of an existing commercial business called Com-Tech Manufacturing Services Inc., allowing the addition of up to two full-time employees in addition to the applicant and immediate family members. No additional amendments have been processed for the commercial business, but the applicant has maintained an active business license for the use from the date of approval until the present day. However, the use is considered legal, non-conforming as commercial uses are no longer allowed in the Agricultural (A10) Zone. The current use is also not permitted in the Rural 2 (RU2) Zone. Legal, non-conforming uses can continue to operate as approved, but cannot be expanded. In October 2018, the subject property was combined with an adjacent parcel immediately north, #12-053-0040, which is located within the boundaries of the High Country Estates Subdivision. Then in March 2019, the subject property added a portion of parcel #12-053-0042, which is also split with portions of that property within the High Country Estates Subdivision, but the majority outside the subdivision boundary. The part combined with the subject property is not located in the subdivision boundary.



Although the parcel is may be considered technically legal as no new lots have been created since August 6, 2008, it is restricted as a portion is located in the High Country Subdivision, but that subdivision has not been amended. Additionally, the existing non-conforming commercial business will be further out-of-compliance if the property is rezoned to RU2, as it is not on the same parcel as the original CUP approval and adding additional residential uses adjacent to it will have negative impacts.

ii. Average Lot Size: (See Attachment A)



Average Parcel Size	
Adjacent	With a Home: 1.7 Acres (23 Parcels)
Parcels	Without a Home: 3.1 Acres (4 Parcels)
1/4 Mile	With a Home: 2 Acres (40 Parcels)
Buffer	Without a Home: 26.4 Acres (8 Parcels)
1/2 Mile	With a Home: 2.6 Acres (47 Parcels)
Buffer	Without a Home: 37.3 Acres (15 Parcels)

- 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 single family dwellings with some agricultural uses to the east.
- v. Annexation Areas: The subject property is located within the Mendon Town future annexation area. However, as the current Mendon Town municipal boundary is more than 3.5 miles away from the subject property, the applicant was not required to provide a letter from the City.
- 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 municipal boundary is Mendon Town located approximately 3.5 miles southeast of the subject property as the crow flies.
The properties immediately adjacent to the subject property on the north, south, and west sides are all zoned RU2. The properties to the north and west include the High Country Estates development and the properties to the south are in the Moake Subdivision. The rezone for High Country Estates was approved in 2011 per Ordinance 2011-11 and the Moake rezone was approved in 2013 per Ordinance 2014-02.

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

- 4. As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
- 5. The current County Land Use Ordinance does not specify appropriate locations for the Rural 2 (RU2) Zone but does contain possible guidelines for its implementation. County Land Use

Ordinance §17.08.030 [B] [1] identifies the purpose of the RU2 Zone and includes the following:

- a. “To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.
- b. To implement the policies of the Cache Countywide Comprehensive Plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipal standards.
- c. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.”

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

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

7. The Road Manual specifies the following:

8. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.

9. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).

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

11. Primary access to the subject properties is from 8000 West, a County road.

a. 8000 West:

i. Is an existing county facility that provides through access from SR-23 to 600 North, as well as access to multiple single-family residences, agricultural lands, and Autonomous Solutions (ASI).

ii. Is classified as a Major Local road.

iii. The road consists of a 22-foot-wide paved surface and the structural condition is visibly okay.

iv. Is maintained year-round.

D. Service Provisions:

12. §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.

13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental provides refuse collection for the subject property, but did not have any specific comments on the rezone request.

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

14. Public notice was posted online to the Utah Public Notice Website on 23 May 2022.

15. Notices were posted in three public places on 23 May 2022.

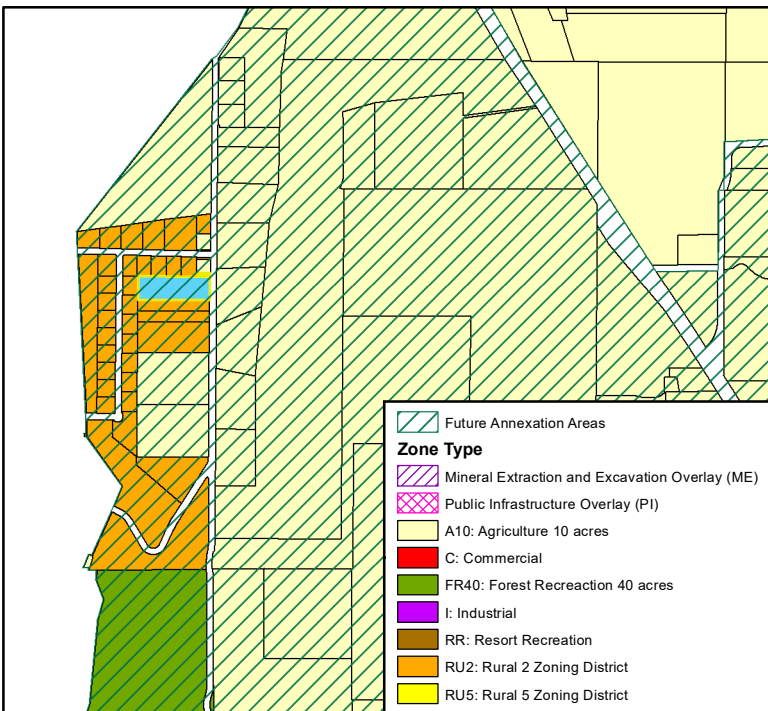
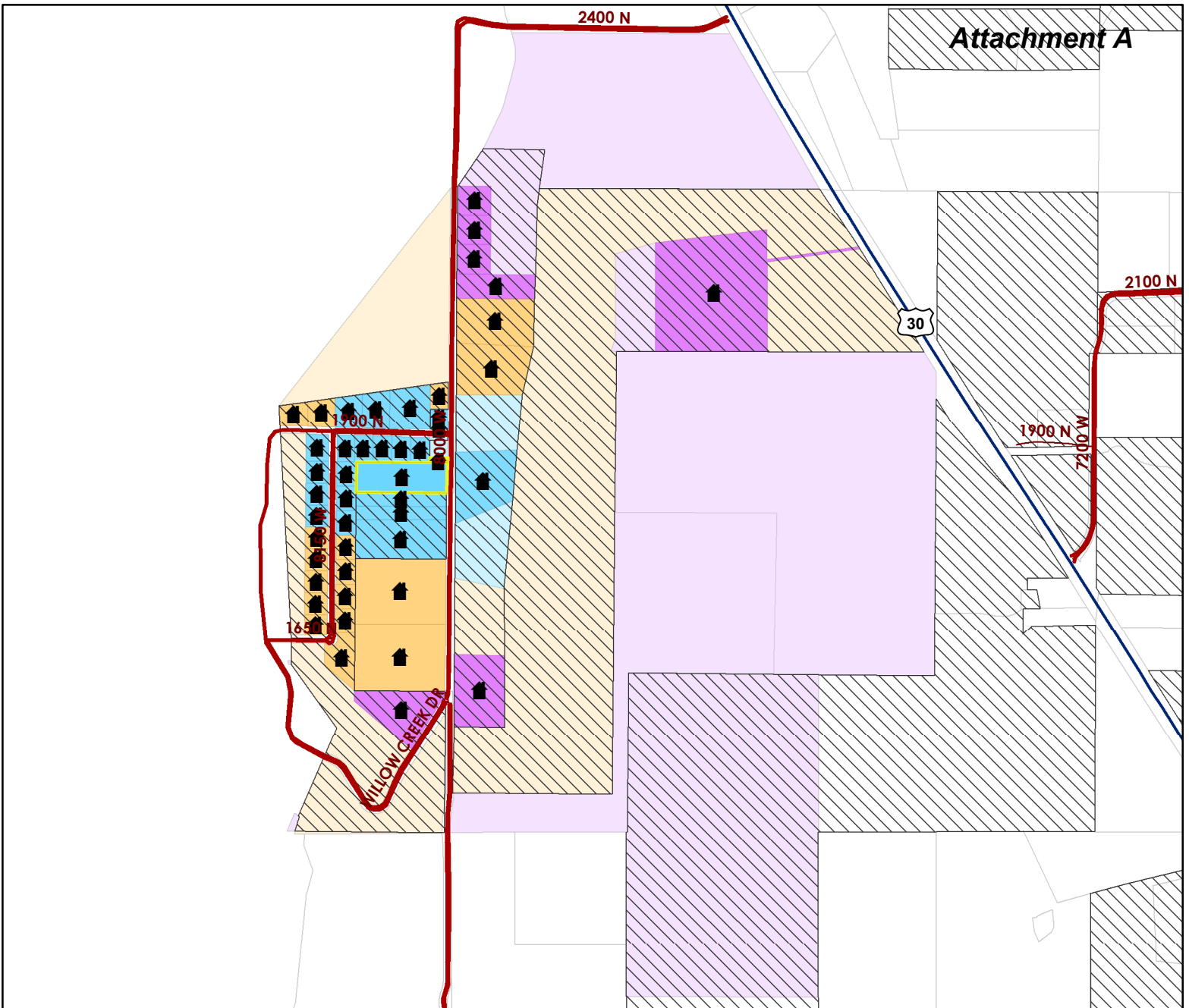
16. Notices were mailed to all property owners within 300 feet on 23 May 2022.

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

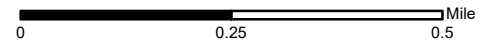
Staff Recommendation and Conclusion

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

1. The property is restricted due to the combination of adjacent parcels, one of which is located within an existing subdivision boundary. The existing legal, non-conforming commercial use is not in compliance with the original CUP approval and rezoning to a higher density will increase the non-conforming use and have negative impacts on future development.



- 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: 1.7 Acres (23 Parcels)
	Without a Home: 3.1 Acres (4 Parcels)
1/4 Mile Buffer	With a Home: 2 Acres (40 Parcels)
	Without a Home: 26.4 Acres (8 Parcels)
1/2 Mile Buffer	With a Home: 2.6 Acres (47 Parcels)
	Without a Home: 37.3 Acres (15 Parcels)



Staff Report: Cutler Valley Subdivision

2 June 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: Sue Griffin

Parcel ID#: 13-029-0002

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

Project Location

Reviewed by Angie Zetterquist

Project Address:

~6600 North Highway 23
near Newton

Current Zoning:

Rural 5 (RU5)

Acres: 65.72

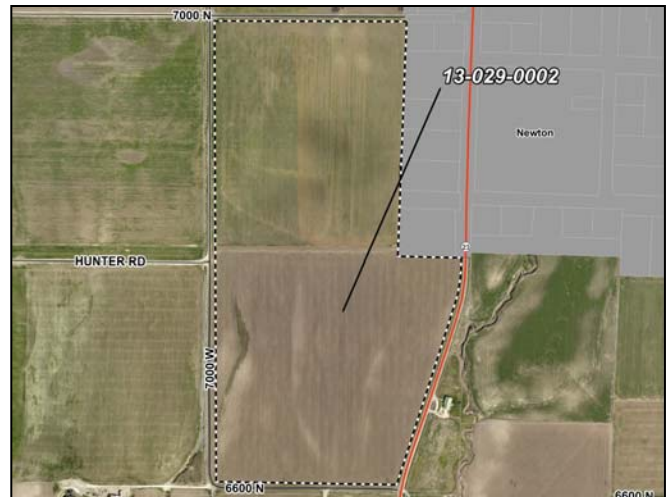
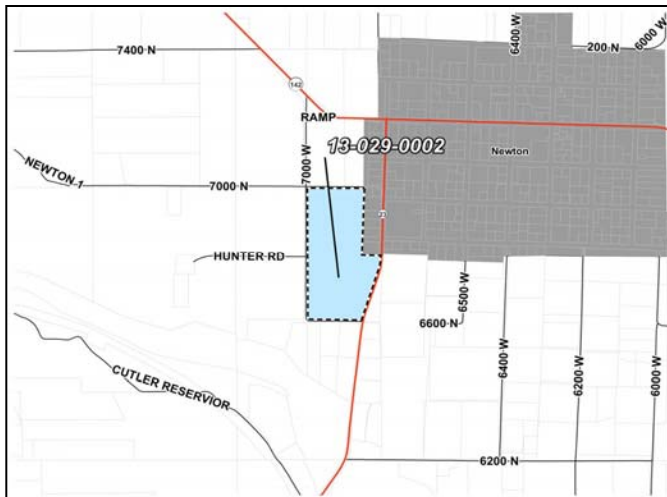
Surrounding Uses:

North – Agricultural

South – Residential

East – Residential/Newton

West – Agricultural/Residential



Findings of Fact

A. Request description

1. The Cutler Valley Subdivision (a.k.a. Griffin Estates Subdivision) is a request to create a 6-lot subdivision with an Agricultural Remainder on 65.72 acres in the Rural 5 (RU5) Zone.
 - a. Lot 1 will be 1.23 acres;
 - b. Lots 2-5 will each be 1.13 acres;
 - c. Lot 6 will be 1.44 acres; and
 - d. The Agricultural Remainder will be 58.96 acres.

B. Parcel legality

2. The subject property is legal as it existed as of August 8, 2006, and has not been divided without the approval of the Land Use Authority.
3. A rezone from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone was approved in March 2022 per Ordinance 2022-12.

C. Authority

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

D. Culinary water, septic system, and storm water

5. §16.04.080 [A] Water Requirements – The applicant provided proof of six approved domestic water rights for the proposed subdivision (i.e., #25-11699/a46967).
6. §16.04.080 [B] Sewage Requirements – The applicant has provided a copy of a letter from the Bear River Health Department confirming all lots can accommodate shallow septic systems (18-onch maximum depth).
7. §16.04.070 Storm Drainage Requirements – Compliance with State Stormwater Detention must be met. All new development must be designed to infiltrate, evaporate, or harvest the 80th percentile stormwater on site. The stormwater leaving the site cannot exceed the lesser of the predevelopment discharge rate of 0.2 cfs per acre. Prior to recording the plat, the application must submit a storm water report prepared by a licensed engineer detailing how the proposed development will manage rainfall on-site and off-site discharge to the Public Works Department for review and approval. Construction of any required infrastructure is required prior to recording the plat. Stormwater stuctures must be shown on the plat with a note added requiring the stormwater structures to be maintained by the lot owners. A Land Disturbance Permit is required for any future development. *See condition #1 & #2*

E. Access

8. §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.
9. Table 17.10.040 Site Development Standards – Minimum lot frontage required in the RU5 Zone is 90 feet.
10. §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
11. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
12. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
13. §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.
14. The Road Manual specifies the following:
 - a. 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.

- b. 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.
- 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).

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

- a. The subject property has frontage and direct access from 6600 North, 7000 North, and 7000 West, all County roads.
- b. 6600 North, 7000 North, and 7000 West:
 - i. All are existing county facilities that provide access to a few single family home, but mostly provide access to agricultural land.
 - ii. Are classified as Minor Local roads.
 - iii. The roads consist of an average of 18-19-foot-wide paved surface
 - iv. All roads are substandard as to paved width and gravel shoulders.
 - v. 7000 North is also substandard as to the required 66-feet of dedicated right-of-way. **See condition #3**
 - vi. The County Engineer has identified that roadway improvements are required to bring 6600 North up to a Minor Local roadway standard and the Logan City Environmental Department's requirements for solid waste collection. **See conditions #4, #5, & #6**
 - vii. Work within the County right-of-way requires approval of an Encroachment Permit. **See conditions #4, #5, & #6**
 - viii. All three roads are maintained year around.

F. Service Provision

- 16. §16.04.080 [C] Fire Control – The County Fire District visited the site of the proposed subdivision and will require all access roads to be a minimum 20 feet wide, all-weather surface. Any future development on the property must be reevaluated and may require improvements based on the location of the proposed access and development.
- 17. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental provides refuse service to this subdivision. Refuse containers must be placed on the south side of 6600 North 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. **See condition #5 & #6**

G. Sensitive Areas

- 18. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
 - a. The County GIS data shows that an irrigation lateral crosses through the middle of the property north of 6800 North.
 - b. Additional review may be required for the sensitive areas based on where future development will be located. **See condition #7**

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

19. Public notice was posted online to the Utah Public Notice Website on 23 May 2022.
20. Notices were posted in three public places on 23 May 2022.
21. Notices were mailed to all property owners within 300 feet of the subject property and Newton Town on 23 May 2022.
22. 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, a storm water report prepared by a licensed engineer must be submitted to and approved by the Public Works Department, and any storm water infrastructure required by the report must be constructed. The long-term storm water infrastructure required must also be shown on the subdivision plat and a note requiring the Lot owner to maintain the infrastructure added. The applicant must provide copies of all written confirmation, including permits and approvals, to the Development Services Department. *(See D-7)*
2. A Land Disturbance Permit is required for land disturbance related to future development. *(See D-7)*
3. Prior to recording the plat, the applicant must include the required dedication along 7000 North on the subdivision plat. *(See E-15-b-v)*
4. Prior to recording the plat, the applicant must bring 6600 North into compliance with the requirements for a Minor Local Road. All road improvement plans and construction details must be submitted to the County Public Works Department and Fire District for their review and approval prior to making the improvements. Any additional review fees must be paid by the applicant. The applicant must provide copies of all approvals and permits for the required road improvements to the Development Services Department. Encroachment permits are required for work in the County right-of-way. *(See E-15-b-vi, -vii, -viii)*
5. Prior to recording the plat, a pad must be constructed on the south side of 6600 North in compliance with the requirements of Logan City Environmental Department for solid waste refuse collection. All road improvement plans and construction details must be submitted to the County Public Works Department for their review and approval prior to making the improvements. A copy of the approved Encroachment permit(s) must be submitted by the applicant to the Development Services Department. Encroachment permits are required for work in the County right-of-way. *(See E-15-b-vi, -vii, -viii, F-17)*
6. Prior to doing any work within the public right-of-way, an approved Encroachment permit is required. Contact the County Public Works Department for more information on obtaining an Encroachment permit. *(See E-15-b-vi, -vii, -viii, F-17)*
7. Prior to issuance of a zoning clearance, additional analysis and review may be required for the sensitive areas present on the subject property depending on the location of future development. *(G-18-b)*

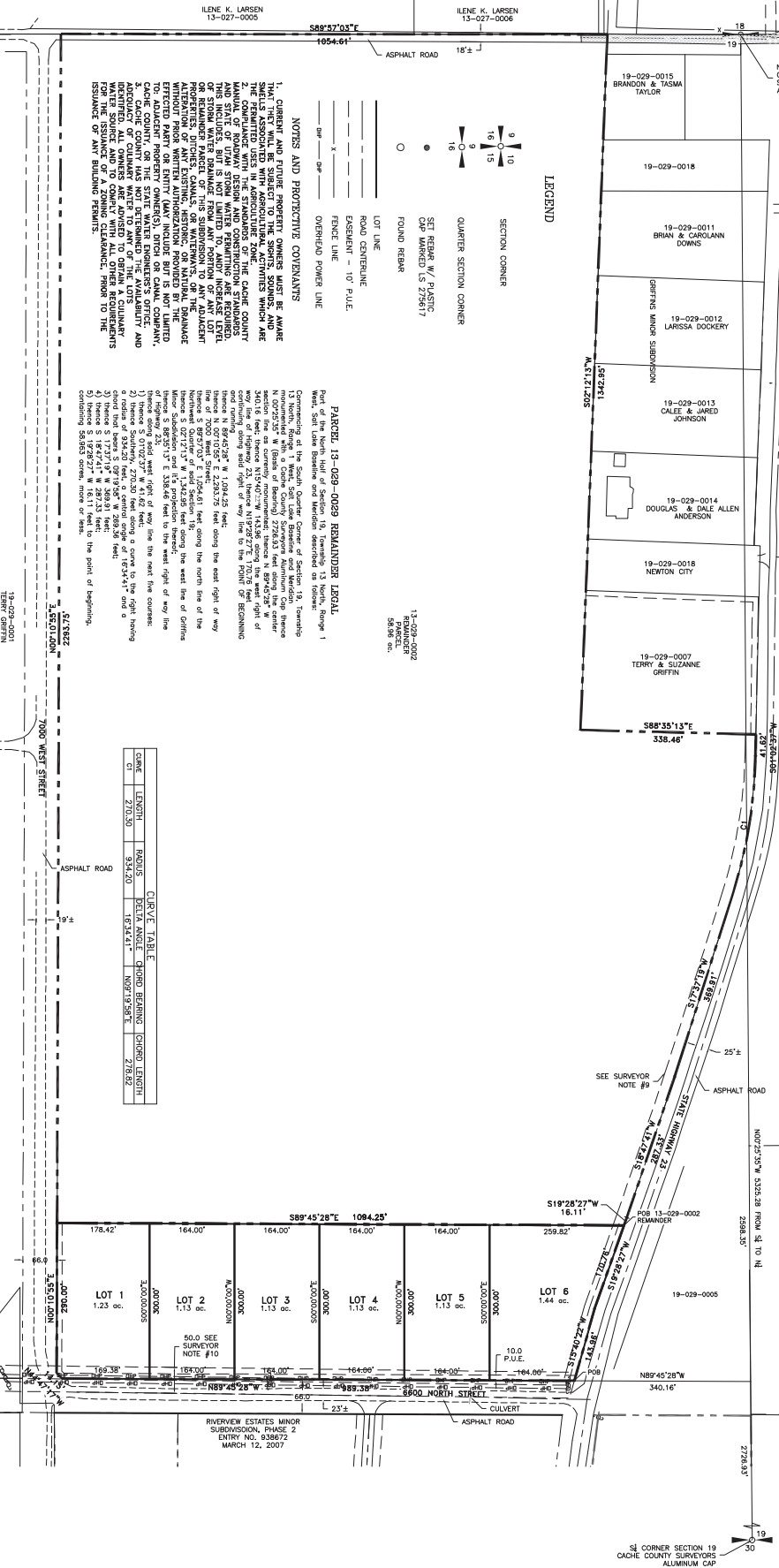
Conclusions

Based on the findings of fact and conditions noted herein, staff recommends approval of the Cutler Valley Subdivision (a.k.a. Griffin Estates Subdivision) as:

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



GRIFFIN ESTATES
Part of the North Half of Section 19,
Township 13 North, Range 1 West,
Salt Lake Baseline & Meridian
Caché County, Utah



NOTES AND PROTECTIVE COVENANTS
1. CURRENT AND FUTURE PROPERTY OWNERS MUST BE AWARE THAT THIS PLAT WILL BE SUBJECT TO THE RIGHTS, POWERS, AND INTERESTS OF THE STATE OF UTAH, THE COUNTY OF CACHE, AND THE FEDERAL GOVERNMENT IN AGRICULTURE ZONE...

PARCEL 19-029-0029 REMAINDER LEGAL.
Part of the North Half of Section 19, Township 13 North, Range 1 West, Salt Lake Baseline and Meridian described as follows:
Commencing at the South Quarter Corner of Section 19, Township 13 North, Range 1 West, Salt Lake Baseline and Meridian described as follows:
1) Thence S 01°02'27" W 41.42 feet to the point of beginning...

Table with 4 columns: CHAIN, LENGTH, BEARS, DELTA ANGLE, CHORD BEARING, CHORD LENGTH. Contains data for various survey points.

Administrative sections including:
CACHÉ COUNTY PLANNING COMMISSION
COUNTY SURVEYOR'S CERTIFICATE
COUNTY COUNCIL APPROVAL AND ACCEPTANCE
SURVEYOR'S CERTIFICATE
SURVEYOR'S NOTES/NARRATIVE
OWNERS ACKNOWLEDGEMENT
ACKNOWLEDGEMENT
ENGINEER'S CERTIFICATE
BEAR RIVER HEALTH DEPARTMENT
CACHÉ COUNTY ATTORNEY
CACHÉ COUNTY CLERK

Staff Report: Jerston Ranch Rezone

2 June 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: Jerston Ranch LLC

Parcel ID#: 09-076-0002

Staff Recommendation: Approval

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Angie Zetterquist

Project Address:

~ 200 East 9800 North
Near Richmond

Acres: 33.3

Surrounding Uses:

North – Agricultural/Residential

South – Agricultural

East – Agricultural/Residential

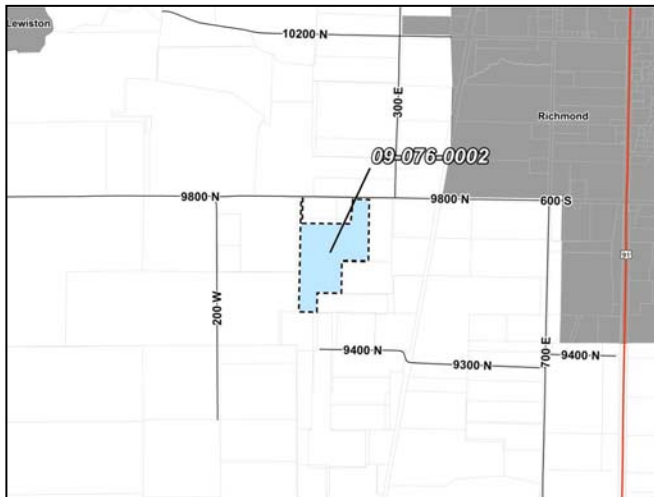
West – Agricultural

Current Zoning:

Agricultural (A10)

Proposed Zoning:

Rural 5 (RU5)



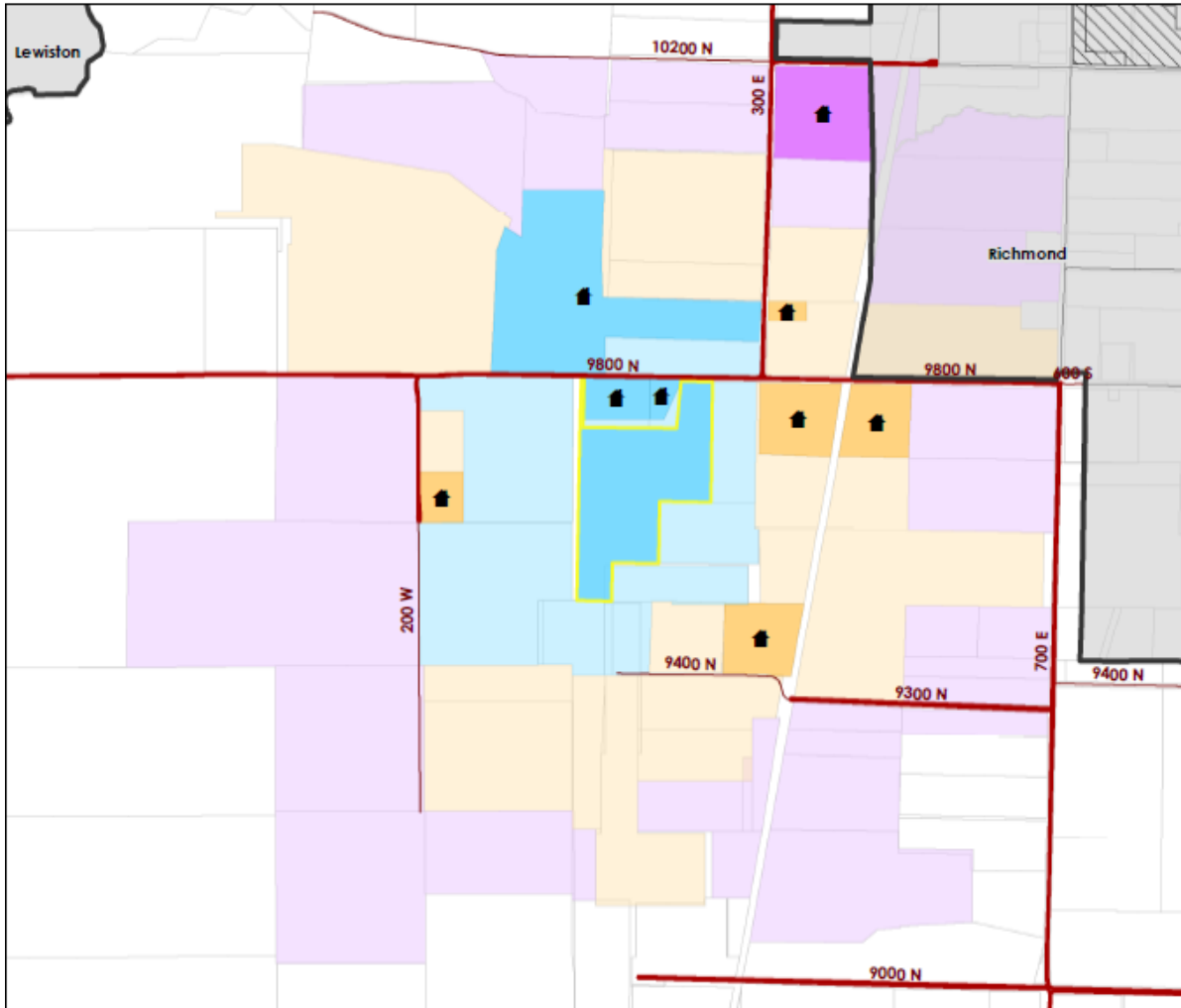
Findings of Fact

A. Request description

1. A request to rezone 33.3 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone.
2. This rezone may allow the parcel to be legally divided into a maximum potential of 6 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 not in the same size or configuration as it was on August 8, 2006 and is potentially restricted. According to the Recorder’s Office information, there have been a number of boundary line adjustments since 2006 that has resulted in a change of size and configuration of the property, but it remains a legal parcel as no divisions of property have occurred.
- ii. Average Lot Size: (See Attachment A)



Average Parcel Size	
Adjacent Parcels	With a Home: 18.2 Acres (3 Parcels)
	Without a Home: 15 Acres (11 Parcels)
1/4 Mile Buffer	With a Home: 11.2 Acres (8 Parcels)
	Without a Home: 16.7 Acres (30 Parcels)
	Without a Home in Richmond City: 25.7 Acres (1 Parcel)
1/2 Mile Buffer	With a Home: 11.6 Acres (9 Parcels)
	Without a Home: 17.5 Acres (57 Parcels)
	Without a Home in Richmond City: 17.6 Acres (5 Parcels)

- iii. Schedule of Zoning Uses: Under the current County Land Use Ordinance, the RU5 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 RU5 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 RU5 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 some single family dwellings.
- v. Annexation Areas: The subject property is located within Richmond City’s future annexation area. However, as the subject property is not immediately contiguous to the city boundary, a letter from the City was not required as part of the application submittal. However, the City was notified of the rezone request as part of the noticing process. At the time this report was prepared, staff has not received any comments from the City regarding this request.
- vi. Zone Placement: As identified by the Planning Commission and the County Council at the time the RU5 Zone was adopted, the intended/anticipated placement of this zone was in areas of the unincorporated county adjacent to municipalities. The boundary of Richmond City is located approximately ¼ mile east on the north side of 9800 North where the railroad tracks cross the County Road. Directly across the street from the city boundary is a property in the Industrial (I) Zone, which was approved in 2016 and a CUP was subsequently approved for a pet crematorium with a caretaker’s residence. The nearest RU5 zone is southeast of the subject property approximately 2.5 miles away as the crow flies off of Highway 91 at approximately 8000 North. This RU5 zone, the Jenkins Rezone, included a total of 11.5 acres and was approved in 2018 (Ordinance 2018-08). A two-lot subdivision (i.e., Ohana Mauna Subdivision) was approved and recorded in 2019. The other nearest RU5 Zone is located about 3.5 mile directly north of the subject property on the south side of 12400 North. This rezone, the Cub River Estates II Rezone was approved in 2022 as Ordinance 2022-04.

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 5 (RU5) Zone but does contain possible guidelines for its implementation. County Land Use Ordinance §17.08.030 [B] [1] identifies the purpose of the RU5 Zone and includes the following:
 - a. “To allow for residential development in a low density pattern that can allow for rural subdivisions and smaller scale agricultural uses. 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 RU5 Zone will be addressed as part of each respective approval process required prior to site development activities.

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

7. The Road Manual specifies the following:

8. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.

9. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).

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

11. Primary access to the subject properties is from 9800 North, a County road.

a. 9800 North:

i. Is an existing county facility that connects to US Highway 91 and provides access to some residential lots but primarily serves agricultural uses.

ii. Is classified as a Minor Local road.

iii. The road consists of a 20-foot-wide paved surface and the structural condition is visibly okay, but is substandard as to gravel shoulders, clear zones, and right-of-way dedications.

iv. Is maintained year around.

D. Service Provisions:

12. §16.04.080 [C] Fire Control – The County Fire District requires that all access roads and private driveways to be 20-feet wide with an all-weather surface. Future access must be reevaluated and may require improvements based on the location of any proposed structure on lots created through a subdivision process.

13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental provides refuse collection for the subject property, but did not have any specific comments on the rezone request.

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

14. Public notice was posted online to the Utah Public Notice Website on 23 May 2022.

15. Notices were posted in three public places on 23 May 2022.

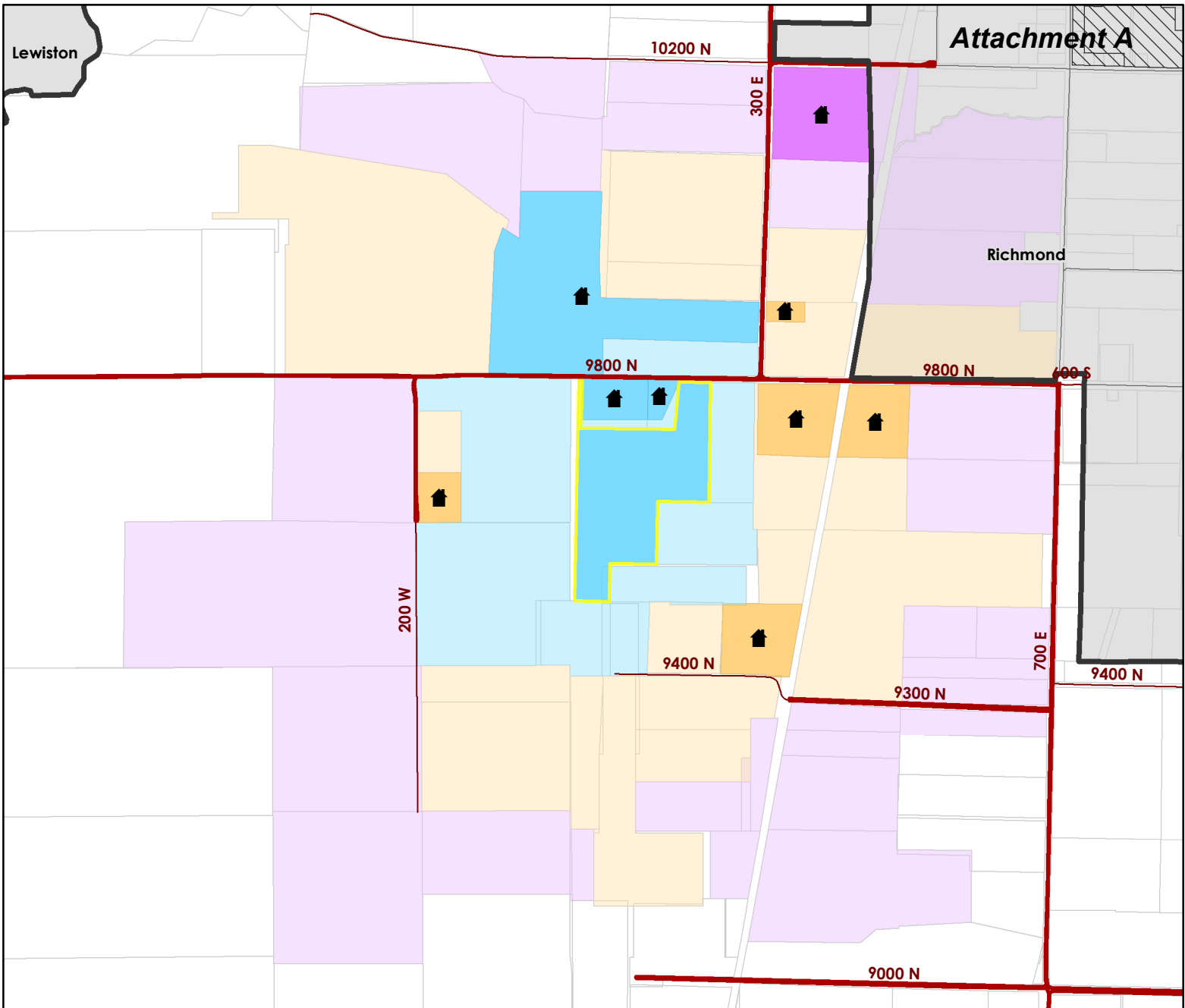
16. Notices were mailed to all property owners within 300 feet and Richmond City on 23 May 2022.

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

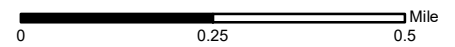
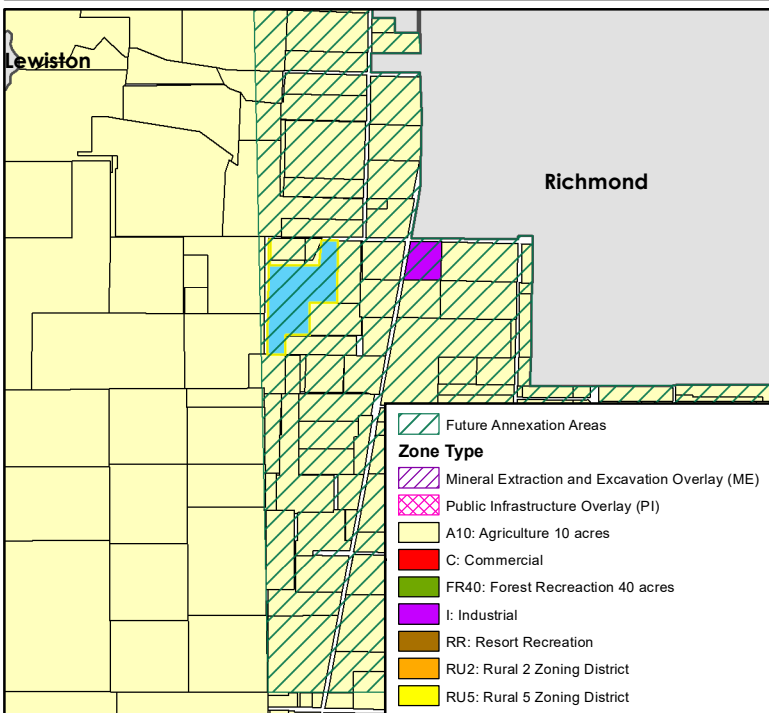
Staff Recommendation and Conclusion

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

1. The location of the subject property is compatible with the purpose of the Rural 5 (RU5) Zone as identified under §17.08.030[A] of the Cache County Code as it:
 - a. Allows for residential development in a low density pattern that can allow for rural subdivisions and smaller scale agricultural uses.
 - b. Does not unreasonably impede adjacent agricultural uses, nor unreasonably conflict with the development standards of adjacent communities.
 - c. The property is appropriately served by adequate provision of public services.



Attachment A



Legend

- Proposed Rezone (Blue outline)
- Municipal Boundaries (Grey outline)
- Subdivisions (Hatched outline)
- Parcels (Thin black outline)
- Winter Maintenance (Red line)
- County Roads (Thin red line)
- Highways (Blue line)

Average Parcel Size	
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5/11/2022



Memorandum: Staff Review – Holyoak Airport CUP

2 June 2022

Summary

This is a summary of the pertinent details related to the considered revocation of the CUP.

1. What initiated this review?

- a. CUP condition #8, states:
 - i. “If any structures are built within the noted runway areas and zones, the Holyoak Airport Conditional Use Permit must be reconsidered by the Cache County Land Use Authority”.
 - ii. A structure, a Single Family Dwelling, was built within the noted runway zones/areas.

2. What effect does the construction of that dwelling have on the Holyoak Airport CUP?

- a. The Commission must now reconsider the CUP.
- b. If the CUP can no longer meet the conditions of approval, it may be revoked.
 - i. If the CUP is revoked, the use must cease and there is no guarantee that it will be reapproved.
 - ii. If the CUP is not revoked, the use may continue under the existing conditions and approval.

3. What conditions exist that allow the Commission to consider and act to revoke the approved CUP?

- a. Condition #1 of the CUP specifies that the proponent must meet all applicable standards of the Cache County Code.
 - i. With the placement of the structure on the property to the south of the CUP, and the location of other existing structures on properties to the north, east, and west, it is not possible for the existing CUP to continue and be in compliance with the County Code and the conditions of the CUP approval. This creates a safety hazard for the adjoining property owners.

4. What possibilities exist that allow the existing CUP to remain compliant with the CUP conditions of approval and Code requirements?

- a. The CUP property owner has proposed that with certain restrictions applied to landing and takeoff directions, the safety concern will be largely mitigated for other property owners as traffic related to takeoff and landing at the runway will avoid flying over neighboring structures by keeping air traffic to the west side of

the runway. This proposal is identified as “Option 1” in previous meetings and documents.

- i. Additionally, Mrs. Holyoak reports that she has filed paperwork with the FAA to amend the Airport Master Record to reflect these restrictions and indicate:
 1. A standard left-hand traffic pattern for takeoff and landing on runway 36.
 2. A nonstandard right-hand traffic pattern for takeoff and landing on runway 18.

5. How does the proposal to restrict the traffic pattern affect the underlying runway areas and zones, specifically the Runway Protection Zone (RPZ)?

- a. The adjustment of the traffic pattern appears to reduce the safety hazard related to the runway as traffic related to takeoff and landing at the runway will avoid flying over neighboring structures; and
- b. The runway approach surface may be offset to avoid obstacles.
- c. However, when considering the design requirements applicable under the County Land Use Code, the adjustment of the traffic pattern does not result in an adjustment to the location or layout of the related RPZs.
- d. One important distinction between an Approach Surface and an RPZ that helps to clarify why one adjusts and the other does not is found in their purpose:
 - i. The purpose of an Approach Surface is to protect the use of the runway.
 - ii. The purpose of an RPZ is to enhance the protection of people and property on the ground.

Staff Recommendation

Based upon the requirements of the County Land Use Code, and the information in the staff reports and staff memos, Staff recommends that the Commission revoke the Holyoak Airport CUP, as a condition that justifies revocation exists, and as noted in the following conclusion:

1. The conditions of the Conditional Use Permit have not been met.
 - a. Condition #1 of the CUP specifies that the proponent must meet all applicable standards of the Cache County Code. The County Land Use Code, section 17.07.030 Use Related Definitions, item 5810 Private Airport, #2 requires that at the time of application the following must be provided, “A copy of the design criteria as per the current FAA Airport Design Advisory Circular AC 150/5300-13A as applicable to the type of aircraft proposed to operate at the site”.
 - b. That same section continues and requires the following, “Said design criteria must be implemented at the site”.
 - c. Due to the location of the new and existing structures on this and surrounding properties, it is not possible for the existing Holyoak Airport to meet or implement the required design criteria in compliance with the County Land Use Code.

Memorandum: Proposed Amendments to 5810 Private Airport

Staff has prepared the following proposed amendments to the Use Related Definition of 5810 Private Airport.

Current language

5810 Private Airport: Any area for the takeoff or landing of aircraft and that is not open to the public, including uses that may be appurtenant and accessory to said activity (e.g., runways, hangars, facilities for refueling and repair). The following are required at the time of application:

1. A copy of any and/or all FAA reviews, forms, and analyses regarding the airport location, activity, and design including:
 - a. The current FAA Form 7480-1, and;
 - b. FAA response to the Form 7480-1 submission.
 - c. A copy of the airport master record.
2. A copy of the design criteria as per the current FAA Airport Design Advisory Circular AC 150/5300-13A as applicable to the type of aircraft proposed to operate at the site. Said design criteria must be implemented at the site.

Permitting is not required for temporary or intermittent airports as defined by the Federal Aviation Administration (FAA) under title 14 of the Code of Federal Regulations part 157 Notice of Construction, Alteration, Activation, and Deactivation of Airports.

Proposed language - **First draft amendments**

5810 Private Airport: Any area for the takeoff or landing of aircraft and that is not open to the public, including uses that may be appurtenant and accessory to said activity (e.g., runways, hangars, facilities for refueling and repair).

1. **Application:** The following are required at the time of application:
 - a. A copy of any and/or all FAA reviews, forms, and analyses regarding the airport location, activity, and design including:
 - i. The current FAA Form 7480-1, and;
 - ii. FAA response to the Form 7480-1 submission.
 - iii. A copy of the airport master record.
 - b. A copy of the design criteria as per the current FAA Airport Design Advisory Circular AC 150/5300-13A as applicable to the type of aircraft proposed to operate at the site. Said design criteria must be implemented at the site.
2. **Sound report - Noise levels from the operation of the Airport must not exceed 10 decibels (dBA, Leq) above the existing ambient noise levels at the property line. A sound level impact and assessment report prepared and signed by a qualified professional that has performed similar studies must be provided for review prior to recording an applicable conditional use permit.**
3. **Location - All appurtenant and accessory uses and structures, and all zones and areas associated with the required design criteria for the Private Airport must be located within the boundaries of the property owned or leased by the proponent.**
4. **Exception:** Permitting is not required for temporary or intermittent airports as defined by

the Federal Aviation Administration (FAA) under title 14 of the Code of Federal Regulations part 157 Notice of Construction, Alteration, Activation, and Deactivation of Airports.