

**4:45 p.m.**

Workshop in the County Council Chambers.

**5:30 p.m.**

Call to order

Opening remarks/Pledge – Phillip Olsen

Review and approval of agenda.

Review and approval of the minutes of the March 3, 2016 meeting.

**5:35 p.m.****Consent Items**

- (1) **Andrew Lee Subdivision 1<sup>st</sup> Amendment** - A request for a recommendation of approval to the County Council to create a new lot (Lot 1) from an existing 1 Lot subdivision on 62 acres of property at 7585 South Highway 165 (Agricultural (A10) Zone).

**Regular Action Items**

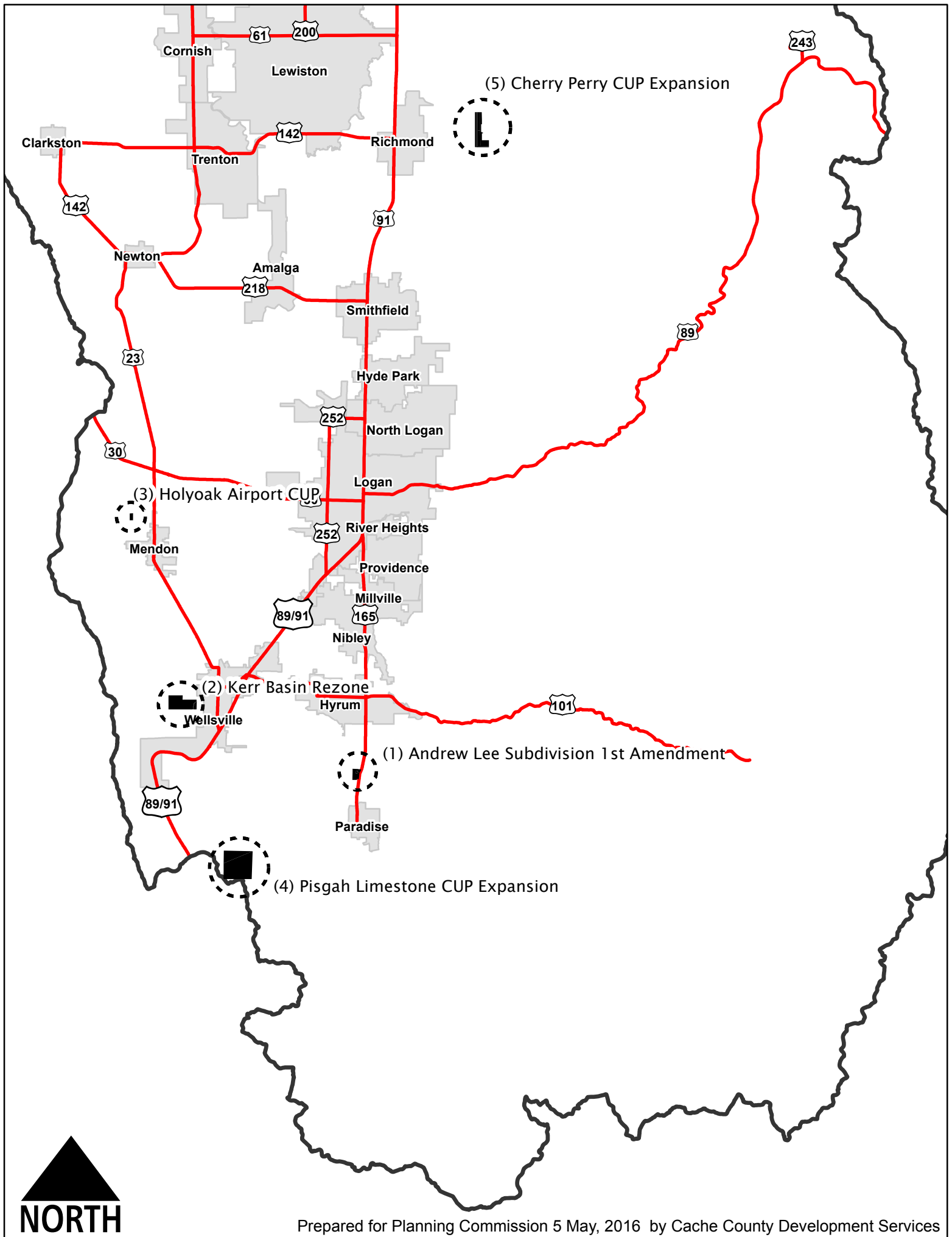
- (2) **Public Hearing (5:40 PM): Kerr Basin Rezone** - A request for a recommendation of approval to the County Council for a rezone of 11.25 acres of property at 5700 South 5400 West, west of Wellsville City, to add the Mineral Extraction and Excavation (ME) Overlay Zone to the existing Forest Recreation (FR40) Zone.
- (3) **Holyoak Airport CUP**: A request for approval of a conditional use permit to allow a private airport located on 19.76 acres of property at 6523 West 400 South, northwest of Mendon.
- (4) **Pisgah Limestone CUP Expansion**: A request for approval to amend an existing conditional use permit to allow blasting at the Mt. Pisgah Limestone Quarry (Forest Recreation (FR40) Zone with the Mineral Extraction and Excavation (ME) Overlay Zone).
- (5) **Cherry Peak CUP Expansion**: A request for approval to amend an existing conditional use permit to allow additional summertime uses at the Cherry Peak Ski Area (Forest Recreation (FR40) Zone).

Board Member Reports

Staff reports

Adjourn











**PLANNING COMMISSION MINUTES**

**03 MARCH 2016**

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1 **Present:** Jacob Adams, Chris Harrild, Josh Runhaar, Brady Christensen, Rob Smith, Phillip Olsen, Chris  
2 Sands, Lane Parker, Lee Edwards, Megan Izatt

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

5  
6 **Smith** welcomed and gave opening remarks

7  
8 **05:33:00**

9  
10 **Agenda**

11  
12 Approved with no changes.

13  
14 **Minutes**

15  
16 Approved with no changes.

17  
18 **05:34:00**

19  
20 **Consent Items**

21  
22 **#1 Kelly Spackman Subdivision Third Amendment (Dustin Ward)**

23  
24 Mr. Dustin Ward is requesting a recommendation of approval to the County Council to add an additional  
25 buildable lot on 52.64 acres of property located at 2977 North 2400 West in Benson (Agricultural (A10)  
26 Zone).

27  
28 *Sands* motioned to recommend approval for the consent agenda to the County Council with the noted  
29 conditions and findings of fact; *Christensen* seconded; **Passed 5, 0.**

30  
31 **05:36:00**

32  
33 **Regular Action Items**

34 **#2 Public Hearing (5:40 PM): Esplin Anderson Rezone (Jeremiah Esplin and Dennis Anderson)**

35  
36 **Adams** reviewed Mr. Jeremiah Esplin and Mr. Dennis Anderson's request for a recommendation of  
37 approval to the County Council for a rezone of 5 acres of property from the Agricultural (A10) zone to  
38 the Commercial (C) zone at 4600 North 400 West, southwest of Smithfield City. This rezone would allow  
39 the applicant to apply for a conditional use permit for an existing business operating on the property. The  
40 only county commercial zones near this property are on Highway 91 and would probably require  
41 annexation into either Smithfield or Hyde Park to provide the public services needed for commercial  
42 development. There are storage units near this property but storage units are no longer allowed within the  
43 Agricultural Zone. There are issues with access for this property. 4600 North is a paved road with 20 feet  
44 of pavement and 2 foot wide gravel shoulders; 400 West is a gravel road of currently unknown (but likely  
45 substandard) width. Staff would recommend a design exception for 4600 north if the properties were  
46 going to remain a residential subdivision however because the intent is to rezone to commercial staff  
47 would not recommend a design exception due to the higher traffic impact. Any access from 4600 North  
48 will require an encroachment permit to install a culvert and fill material as the property is about 3 feet  
49 lower than the road; also the county will not allow 400 West to be paved as the county is not accepting  
50 new paved roads. Access for fire protection and emergency services is adequate however there is no  
51 current water supply for fire protection; a rezone to Commercial will require an adequate water supply.

1 As for utilities and public service provisions, the applicant has approached Smithfield City in the past  
2 about extending utilities to the property but that request has been denied until the property is annexed into  
3 the City. Staff is recommending a denial.  
4

5 **Commission and staff** discussed that the property has been before the Commission in the past due to an  
6 enforcement issue. The previous subdivision application did receive some opposition from neighbors, but  
7 this was focused mainly on the fact a business was operating there, not about the subdivision itself.  
8 Commission and Staff also discussed the possibility of annexation. Cities are not usually willing to jump  
9 parcels to annex and Smithfield City has indicated that annexing this property is not in their interests at  
10 this time.  
11

12 **5:41:00**

13  
14 ***Olsen** motioned to open the public hearing for the Esplin Anderson Rezone; **Sands** seconded; **Passed 5,***  
15 ***0.***  
16

17 **Mr. Jeremiah Esplin** I have moved the business and have rented a space in Smithfield. I talked to  
18 Smithfield about annexation and it comes down to land values. The neighbor to the north is not interested  
19 in annexing and I don't have enough land value to have them jump those parcels and annex. However, he  
20 did say in 15 years the plan is to annex this area and have it be commercial. He has nothing against this  
21 and ultimately it is supposed to be commercial. I suggested building a home there so I could use the  
22 property and he said we would end up like Cox Honeyland with a home in the commercial area. We  
23 talked with the fire department and if we have a water storage tank that could be used for fire suppression  
24 that would satisfy them. We've fixed the issue with the road being declined for the fire department and  
25 they approved that. As for the road usage for the subdivision, whatever we need to do we are willing to  
26 do.  
27

28 **Sands** even with moving the business, you would still like to pursue this?  
29

30 **Mr. Esplin** if we can. This is going to be a commercial for sure in the future and we would really like to  
31 use the property because we are already invested here. 4600 North is being used by Paragon, and they  
32 have 1500 employees using that road. So the road won't handle my 15 vehicles a month? However, I'm  
33 not in the road department.  
34

35 **John Forsgren** I talked to Smithfield City on a similar annexation issue but the problem is they can't do  
36 an island. However, part of their master plan and UDOT's master plan is to develop that whole section and  
37 down to Hyde Park/North Logan. None of those roads meet state code, 4600 is already against state code  
38 for the current use. I'm having some similar issues for a project down the road. I'm trying to figure out  
39 how everyone thinks about the development of that area and how they see it working out. When I talked  
40 to Smithfield it seems that the Esplin issue is a temporary issue for the County.  
41

42 **Mr. Esplin** what is required now to move forward with the subdivision process?  
43

44 **Harrild** I have a letter from the road department that I will forward to you. They have concerns with how  
45 soft the shoulders are.  
46

47 **Mr. Esplin** I was just paying attention to that 660 feet in front of the property and I measured 20 feet  
48 wide. I had a friend talk to the road department and he was told that it is 19 to 20 feet all along or  
49 property. It might go down to 16 but that is out of where we were looking at and what we were told is that  
50 it is between 19.5 and 20.  
51

1 **Harrild** that 19.5' includes the shoulder, not just the pavement.

2  
3 **Mr. Esplin** he talked like that was just the flat part, not including the shoulder.

4  
5 **Harrild** what I have from the road department submitted in writing is that it is 20 feet with the shoulder.  
6 Once you get down to the north end, its 24 feet and that's right as you coming out of the intersection and  
7 not as big of an issue.

8  
9 **Runharr** we need to stick to this process.

10  
11 **Mr. Esplin** how different is the process for a rezone than a conditional use permit?

12  
13 **Harrild** a rezone looks at the big picture and what the area looks like and what fits. A conditional use  
14 narrows down to the property and we have to look at impacts for the surrounding area of that use.

15  
16 **Mr. Esplin** so we were talking about visual impact and road usage.

17  
18 **Harrild** those are the most likely but there might be more but that is a separate process and is very  
19 specific. This rezone would allow multiple different uses where the conditional use permit is for one use.

20  
21 **Mr. Esplin** with the rezone, where Cache County is not going to be here eventually but going to be  
22 Smithfield City at least to 4<sup>th</sup> West, do we not fit in from the Master Plan like you just said?

23  
24 **Harrild** from a rezone standpoint there is nowhere in the county identified as potential commercial  
25 zoning.

26  
27 **Mr. Esplin** right, but in Smithfield City's master plan when this is annexed it is supposed to be  
28 commercial.

29  
30 **Harrild** right, they might have indicated that.

31  
32 **Mr. Esplin** that's what he showed me in his office yesterday.

33  
34 **Harrild** but we aren't looking at what just Smithfield wants but what the County needs.

35  
36 **Mr. Esplin** but they have a big say?

37  
38 **Harrild** they are a large influence here and they have a big part in communicating that. But if the  
39 County's roads are currently inadequate we cannot increase use there. Putting a commercial zone out  
40 there isn't a good idea. There is no guarantee that Smithfield will annex this. We have to address it based  
41 on if it fits with what the code identifies and that is very focused on adequate access and public service  
42 utilities. The fire issues are things that you can work around and fix. But if this is an appropriate place for  
43 the county to have a commercial zone is the question, and from what we have seen it doesn't fit here in  
44 that context.

45  
46 **Mr. Esplin** just for clarification, what is the biggest problem? Utilities, roads, and fire suppression,  
47 right?

48  
49 **Harrild** correct.

50  
51 **Mr. Esplin** we can fix the fire issue.

1  
2 **Runhaar** there is also a philosophical discussion on if this is a compatible use for the area. We've  
3 received information from cities in the past and we have a long history of making land use choices on the  
4 doorsteps of cities and then when they do annex it breaks their pattern and their flow of what they are  
5 trying to do. We've had the issue with trying to drop commercial zones here and there and this is  
6 relatively close but how much is there of a commercial corridor? It's not four blocks wide, in most places  
7 it is 1 maybe 2 blocks wide off that highway (Highway 91). When you look at how much space we are  
8 really talking about until this would be conforming? Annexation is going to be slow but pieces that are  
9 already built, don't annex well. Because there is a new code requirement and issues related to that, a lot of  
10 it is a timing issue. You may not see commercial zoning come that way for the next 25 years. Or it could  
11 be 5 and you'd be fine but looking at the history of how Smithfield has grown, watching all these areas.  
12 If you were next to Nibley your chances of being incorporated sooner are much better. The north end  
13 isn't growing at the same rate.

14  
15 **Mr. Esplin** a lot of these are large acreage pieces and this was a 5 acreage chunk. I believe the farmer  
16 even contacted Chris about this. I've talked to a lot of the farmers around there and the one person that  
17 did have something to say about it and is on the fence he is trying to sell his land and saying that there is a  
18 potential for a commercial zone in this area. I think a lot of the agriculture in this area is starting to go this  
19 direction. The thing that does raise a huge concern in my mind is the storage sheds. They are still zoned  
20 Commercial but just have a CUP?

21  
22 **Runhaar** they are zoned Ag.

23  
24 **Smith** it was a permitted use in the Ag zone at one point.

25  
26 **Runhaar** that partially led to the change in the ordinance.

27  
28 **Mr. Esplin** what would you like to see?

29  
30 **Parker** widen the roads; the roads are the biggest hang up.

31  
32 **Mr. Esplin** the roads are going to be repaired and widen eventually but that's something I can't do.

33  
34 **Parker** at that point you are going to sit on the ground until that happens. I know what that's like. But it  
35 will come around; it's taken me 20 years but maybe in 20 years maybe there will be money in the county  
36 budget to help you.

37  
38 **Mr. Esplin** right, but we can't even maintain the roads we have now.

39  
40 **Parker** that is why it is up for denial now because it is years away.

41  
42 **Mr. Esplin** is there something that we can do with the property?

43  
44 **Smith** this body is limited in that we can look at the application that comes before us but it sounds like  
45 there are some other possibilities there

46  
47 **Mr. Esplin** it comes back to this body? That's why I'm asking you guys.

48  
49 **Harrild** They can't direct you. He cannot pursue the conditional use until the rezone occurs.

50  
51 **Mr. Esplin** That is why we're here; Development Services said to do these steps.

1  
2 **Harrild** the reason you are here is because you built a business without a permit. So in order for you to  
3 continue operating the business you have to rezone. So our direction is not that you should rezone but if  
4 you want to operate the business you have to rezone. So to clarify that there is a distinction. We aren't  
5 coaching you to go through the process and take your time. Our job is to help you fix the problem that is  
6 there; we didn't create that. We are trying to assist you through that. If you want to do something  
7 different that meets the code requirements, you could pursue that and see what use is qualified. Your  
8 current business does not meet the requirements and is not allowed there. It would have to be rezoned for  
9 that current use. There are other uses that are allowed there and you would have to figure out what you  
10 want to do there but we can't guide you on what you might want to do.

11  
12 **Mr. Esplin** you are the ones that say yes or no but you can't guide me? Isn't that a contradiction?

13  
14 **Harrild** no it is not; if you wanted to come to the Planning Commission and ask for a specific request that  
15 the code allows you made the determination of what you were going to do. You have to make that  
16 determination and if that works, you can pursue that.

17  
18 **Smith** if people want to talk they need to come up here and then we need to move on with the public  
19 hearing. Thank you for your comments Mr. Esplin. Mr. Forsgren do you have a question you wanted to  
20 ask?

21  
22 **Mr. Forsgren** one question, in your zoning ordinance it talks about the different zones and what is in  
23 there. The list on the board had more information then what is listed there.

24  
25 **Harrild** that was 17.07 which is all the definitions and related items. That also corresponds with 17.09  
26 which is a use chart. The information on the board was put together by Jake and he pulled all the  
27 corresponding information out of the code for this.

28  
29 **06:07:00**

30  
31 ***Parker** motioned to close the public hearing; **Sands** seconded; **Passed 5, 0.***

32  
33 **White** in the past, the Council has gone along with the requests of cities. In the past if a City has asked  
34 for denial, the Council has typically gone along with that recommendation. I can't guarantee that that will  
35 happen here, but that is the way that we have been going.

36  
37 **Smith** and that is an important thing to note; this body makes a recommendation to the County Council  
38 but is not the final say.

39  
40 **Staff and Commission** discussed roads. For a commercial business to be located here road improvements  
41 would have to occur. However, once again the County is not accepting new roads to be built in the  
42 County. Application was recommended for denial because it does not fit right now.

43  
44 ***Parker** motioned to recommend denial for the Esplin Anderson Rezone to the County Council with the  
45 stated conditions and findings of fact; **Olsen** seconded; **Passed 5, 0.***

46  
47 **06:13:00**

48  
49 **Smith** a rezone is a fairly aggressive land use decision and the Commission does look at the surrounding  
50 cities that could be affected and for this application Smithfield City's recommendation is going to weigh  
51 pretty heavily on that decision.

1  
2 **Harrild** I'm curious if anyone is here for the public hearing for Titles 16 and 17.

3  
4 **Carry Higgly** I'm not sure what the difference between 16 and 17.

5  
6 **Harrild** you issue would be with Title 17.

7  
8 **#3 Public Hearing (6:00 PM): Code Amendments, Title 16**  
9

10 **Harrild** reviewed the amendments to Title 16. The general updates to all subsections are the term Land  
11 Use Authority will be replaced with the more specific land use authority titles such as County Council or  
12 Director of Development Services. I won't focus on grammar changes or other minor changes unless you  
13 have a question. Many things that are now redundant with Title 12 and the Road Manual have been  
14 removed; we use those documents for addressing road issues. Sections .010: Subdivision Layout and  
15 .020 Commencement of Site Development the language has been clarified/updated. .030: Lots has been  
16 updated to reflect the other sections of current County Code. In section .040: Streets the name of the  
17 subsection will be changed to roads and all section of the Road Manual have been removed. Section .060:  
18 Landscaping has been removed and reserved because it conflicts with State Code and also overlaps with  
19 the storm water requirements. .070: Utilities and Easements is not section .060 and has minor changes to  
20 reflect State Code. .080 Storm Drainage Requirements is now section .070 and has been removed due to  
21 being redundant with storm water requirements. .090: Evidence and Availability of Water is now section  
22 .080, and .090 and .100 were combined and renamed to Suitability Requirements for Subdivisions and has  
23 more specifics regarding suitability have been clarified/updated to reflect current code and policy. .110:  
24 Completion of Development Improvements is now section .100 and the language has been  
25 clarified/updated. .120 Improvement Sureties is now section .110. The name of the subsection has been  
26 updated and the language updated to reflect county policy and State code.  
27

28 **Staff and Commission** discussed water and dry lots. Water is typically overseen by the State and the  
29 County does not control that.  
30

31 **06:29:00**  
32

33 *Sands motioned to open the public hearing for Code Amendments to Title 16; Christensen seconded;*  
34 *Passed 5, 0.*  
35

36 **Commission** members had a question regarding 16.04.121 which is now 16.04.10 regarding some  
37 notations for insurance purposes.  
38

39 **06:31:00**  
40

41 *Sands motioned to close the public hearing; Parker seconded; Passed 5, 0*  
42

43 *Sands motioned to recommend approval to the County Council for code amendments to Title 16 as noted*  
44 *in the discussion; Christensen seconded; Passed 5, 0.*  
45

46 **06:32:00**  
47

48 **#4 Public Hearing (6:30PM): Code Amendments, Title 17**  
49

50 **Harrild** reviewed the Code Amendments to Title 17. The general updates that are applicable to all the  
51 sections are the term "land use" replaces references to "zoning" when describing the ordinance as a

1 reflection of State Code. 17.02 Administration the main changes are under section B. One major change is  
2 that one non-resident employee may work in the residence if it can be demonstrated by the applicant that  
3 potential impacts due to the increase are non-existent; a minor variance is required as specified in  
4 §17.02.060. This allows a review at the administrative level to look at the application and intent. In  
5 section 17.06 Uses the existing code does not make a distinction between those use permitted by right  
6 requiring no permit, and those uses that are permitted and require a permit. This subsection has been  
7 updated to include that distinction. This means the use has been updated to reflect a 'P' for permitted and  
8 a 'ZC' for needing a zoning clearance. For Conditional Uses the language was cleaned up to be more in  
9 line with state code. The code has been cleaned up to reflect what needs to happen so the County doesn't  
10 get in trouble with how uses are handled. 17.09: Use Chart was discussed. Single family homes have to  
11 have a zoning clearance as do accessory apartments, seasonal cabins, and residential living facilities.  
12 Accessory apartments will now be handled as part of the zoning clearance process.

13  
14 **Staff and Commission** discussed 17.07.1200 Home Based Business. The language regarding outside  
15 sales was removed. There were questions regarding a home daycare. Staff will clarify the age  
16 requirements for home daycares and preschools. For Home Based Business the new section 4 shall be  
17 Minor Service Provision: Typically includes professional services where client meetings may occur at the  
18 home. In section 1500 Residential Facility for Elderly Persons was removed due to a change in State  
19 code.

20  
21 In section .040 of 17.07 appeal authority was added and approval was clarified. Earthquake Fault was  
22 removed as it is presently addressed under the definition for Geologic Hazard.

23  
24 **07:01:00**

25  
26 *Sands motioned to open the public hearing for Code Amendments for Title 17; **Parker** seconded; **Passed***  
27 *5, 0.*

28  
29 **Carry Higgly** I was just wondering about this process because we are looking at having a home based  
30 business and our daughter would come to work for us.

31  
32 **Sands** and these changes will allow for that.

33  
34 **Smith** we can't make a decision without an application in front of us but please talk to staff about this.

35  
36 **Harrild** we have been contacted. This will go to Council next and they will hold a public hearing there  
37 probably in about 3 weeks.

38  
39 **Ms. Higgly** thank you.

40  
41 **07:02:00**

42  
43 *Olsen motioned to close the public hearing; **Sands** seconded; **Passed** 5, 0.*

44  
45 **Staff and Commission** discussed 17.07.150. If family is taking another family member into their house  
46 they don't require anything to be able to do that. This is for a single-family dwelling in which more than  
47 one unrelated person with a disability resides.

48  
49 *Sands motioned to recommend approval to the County Council for the code amendments Title 17 as*  
50 *amended noted in the discussion; **Parker** seconded; **Passed** 5, 0.*



1 **Runhaar** Just a point of interest Leslie Larson termed out for the Planning Commission and has been  
2 replaced by Nolan Gunnell.

3  
4 **07:11:00**

DRAFT





### STAFF REPORT: ANDREW LEE SUBDIVISION 1<sup>ST</sup> AMENDMENT

**Date:** 5 May 2016

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:** Jon G. Lee

**Parcel ID#:** 01-085-0002

**Staff Determination:** Approval

01-085-0020

**Type of Action:** Administrative

**Land Use Authority:** County Council

### LOCATION

*Reviewed by: Jacob Adams - Planner I*

#### Project Address:

7585 South Highway 165

Paradise, UT 84328

#### Current Zoning:

Agricultural (A10)

**Acres:** 62

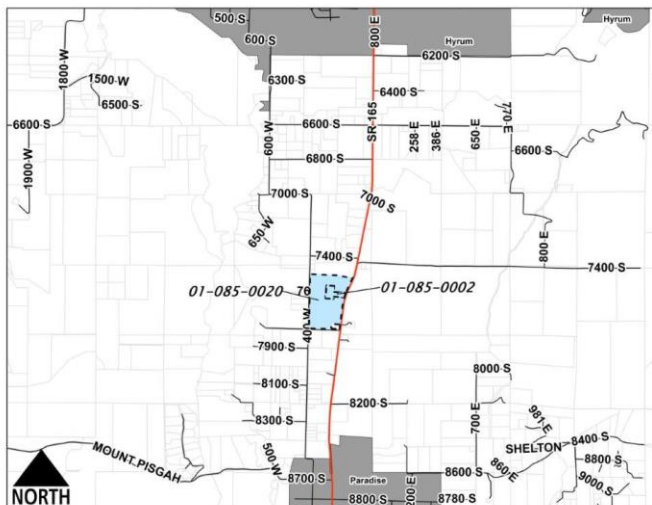
#### Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



### PURPOSE, APPLICABLE ORDINANCE, AND SUMMARY

#### Purpose:

To review the proposed amendment to the Andrew Lee Subdivision and recommend a course of action to the County Council.

#### Ordinance:

As per Cache County Land Use Code §17.10.030 Development Density and Standards Specific to Base Zoning Districts, this proposed subdivision in the Agricultural (A10) zone qualifies for a development density of six (6) buildable lots. This application creates one (1) additional lot for a total of two (2) lots and an agricultural remainder parcel.

**Summary:**

This request amends the existing Andrew Lee Subdivision (a subdivision by conditional use permit on 16 November 1994) by legally creating Lot #1 under parcel number 01-085-0002, which was originally divided into 01-085-0002 and 01-085-0020 without approval from the land use authority on 22 July 1999. The boundaries of 01-085-0019 are not being changed; this parcel was created by the original CUP and is now being designated as Lot #2.

**Access:**

- County Land Use Code §16.04.030 [B] requires all lots created by a subdivision to have access to a dedicated street improved to minimum county standards. The County Road Manual requires any road serving more than three homes to have 22 feet of paved width with one foot wide gravel shoulders on each side.
- Lot #1 is accessed from Highway 165. This is an existing access on a state road and does not require additional access review.
- Lot #2 is accessed from 7800 South, a county road with 23 feet of paved width and a three foot graveled edge. This road meets minimum county standards.

**Water & Septic:**

- Both Lots 1 and 2 have existing, adequate water rights.
- Bear River Health Department has preliminarily approved this subdivision for septic systems.

**Service Provision:**

- Residential refuse and recycling collection for Lot #1 will continue to be handled by placing the containers on the edge of Highway 165 outside of the traveled way.
- School bus service can be provided via a stop at the driveway for Lot #1 at 7585 South Highway 165.
- Any driveways must meet all applicable requirements of the current International Fire Code, minimum county standards, and any other applicable codes.
- Water supply for fire suppression will be provided by the Paradise Fire Department

**Sensitive Areas:**

- The east side of the subdivision, including nearly all of Lot #2, lies within the 100-year floodplain. Development within this area must follow the requirements set forth in County Code §17.18.050 [B.3] and §15.28.550.

**Public Notice and Comment:**

Public notice was posted online to the Utah Public Notice Website and the Cache County website on 21 April 2016. Notice was also published in the Herald Journal on 26 April 2016. Notices were mailed to all property owners within 300 feet of the subject property on 29 April 2016. At this time, no public comment regarding this proposal has been received by the Development Services Office.

#### STAFF DETERMINATION AND FINDINGS OF FACT (4)

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It is staff's determination that the Andrew Lee Subdivision First Amendment, creating lot #1 on property located at 7585 South Highway 165, Paradise with parcel number(s) 01-085-0002 and 01-085-0020, is in conformance with the Cache County Code requirements and should be approved. This determination is based on the following findings of fact:

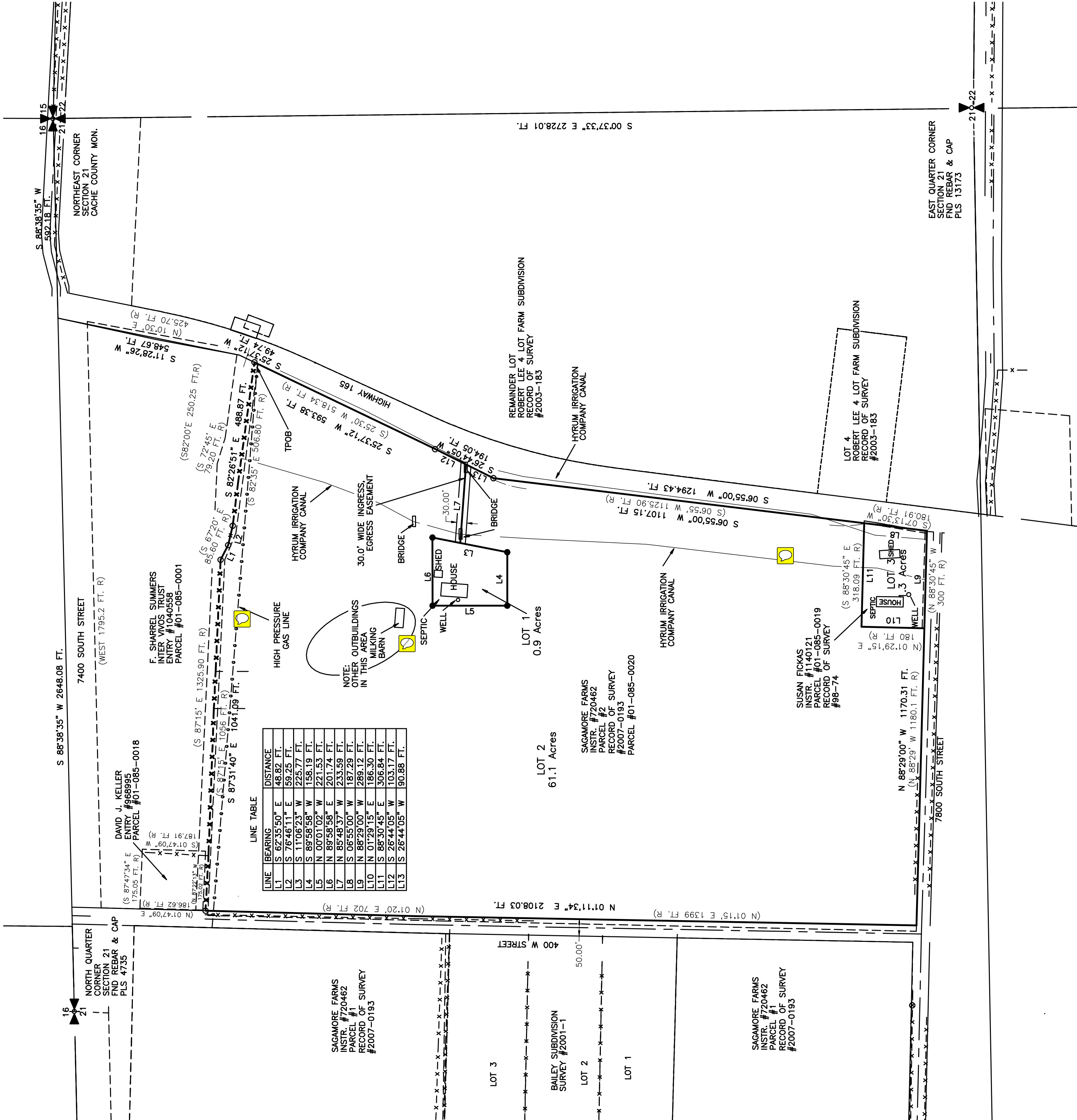
1. The Andrew Lee Subdivision First Amendment has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Andrew Lee Subdivision First Amendment has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Andrew Lee Subdivision First Amendment conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.
4. The Andrew Lee Subdivision First Amendment is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.



ANDREW LEE SUBDIVISION  
PART OF THE NORTHEAST QUARTER OF SECTION 21  
TOWNSHIP 10 NORTH, RANGE 1 EAST  
SALT LAKE BASE AND MERIDIAN  
CACHE COUNTY, UTAH



SUS OF BEGINNS  
S 07°37'31" E ALONG THE EAST  
LINE OF THE NORTHEAST QUARTER  
OF SECTION 21.



LINE	BEARING	DISTANCE
L1	S 62°35'50" E	48.82 FT.
L2	S 74°45'11" E	59.25 FT.
L3	S 74°45'11" E	59.25 FT.
L4	S 89°58'58" W	158.19 FT.
L5	N 00°01'02" W	221.53 FT.
L6	N 89°58'58" E	201.74 FT.
L7	N 85°48'37" W	233.59 FT.
L8	N 85°48'37" W	233.59 FT.
L9	N 89°29'00" W	289.12 FT.
L10	N 01°29'15" E	186.30 FT.
L11	S 88°50'45" E	306.84 FT.
L12	S 26°44'05" W	103.17 FT.
L13	S 26°44'05" W	90.88 FT.

LEGAL DESCRIPTION  
FOR  
ANDREW LEE SUBDIVISION BOUNDARY

A PARCEL OF LAND LOCATED IN SECTION 21, TOWNSHIP 10 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, CACHE COUNTY, UTAH AND FURTHER DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 21 FROM WHICH THE NORTH QUARTER OF SECTION 21, TOWNSHIP 10 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, CACHE COUNTY, UTAH, BEGINS; THENCE SOUTH 88° 38' 35" WEST 592.18 FEET ALONG THE NORTH LINE OF SAID SECTION 21 TO THE WESTERLY RIGHT OF WAY LINE OF HIGHWAY 165;  
THENCE SOUTH 11° 28' 26" WEST 548.67 FEET ALONG SAID RIGHT OF WAY LINE;  
THENCE SOUTH 88° 38' 35" WEST 592.18 FEET ALONG THE NORTH LINE TO A FOUND 5/8" REBAR WITH CAP LABELED "PLS 158372, THE TRUE POINT OF BEGINNING;  
THENCE SOUTH 25° 37' 12" WEST 993.38 FEET ALONG SAID RIGHT OF WAY LINE TO A FOUND 5/8" REBAR WITH CAP;  
THENCE SOUTH 26° 44' 05" WEST 194.05 FEET ALONG SAID RIGHT OF WAY LINE TO A FOUND 5/8" REBAR WITH CAP;  
THENCE SOUTH 06° 55' 00" WEST 1294.43 FEET ALONG SAID RIGHT OF WAY LINE;  
THENCE NORTH 88° 28' 00" WEST 1170.31 FEET TO A FOUND 5/8" REBAR WITH CAP SET ON THE EASTERLY RIGHT OF WAY LINE OF 400 WEST STREET;  
THENCE SOUTH 88° 28' 00" WEST 1170.31 FEET ALONG SAID RIGHT OF WAY LINE TO A FOUND 5/8" REBAR WITH CAP SET ON SAID FENCE LINE;  
THENCE SOUTH 87° 31' 40" EAST 1041.09 FEET ALONG SAID FENCE LINE TO A FOUND 5/8" REBAR WITH CAP;  
THENCE SOUTH 62° 35' 50" EAST 48.82 FEET ALONG SAID FENCE LINE TO A FOUND 5/8" REBAR WITH CAP;  
THENCE SOUTH 76° 46' 11" EAST 59.25 FEET ALONG SAID FENCE LINE TO A FOUND 5/8" REBAR WITH CAP;  
THENCE SOUTH 82° 26' 51" EAST 488.87 FEET ALONG SAID FENCE LINE TO THE TRUE POINT OF BEGINNING;  
BEING 63.3 ACRES OF LAND, MORE OR LESS, CONTAINING 63.3 ACRES OF LAND.

NOTES:

- TOTAL ACREAGE: 63.3 ACRES. RESIDENTIAL USE HAS AN EXISTING HOME, EXISTING WELL AND EXISTING SEPTIC SYSTEM. ADDRESS: 7585 SOUTH HIGHWAY 165, PARADISE, UTAH 84328.  
LOT 2: AREA 61.1 ACRES. CURRENT USE IS AGRICULTURAL. ADDRESS: 7585 SOUTH HIGHWAY 165, PARADISE, UTAH 84328.  
SEPTIC SYSTEM. ADDRESS 240 WEST 7880 SOUTH, PARADISE, UTAH 84328.
- PRESENT AND FUTURE PROPERTY OWNERS MUST BE AWARE THAT THEY WILL BE SUBJECT TO THE REGULATIONS AND RESTRICTIONS OF AGRICULTURAL ACTIVITIES WHICH ARE THE PERMITTED USES IN THE AGRICULTURAL ZONE.
  - BUILDING SETBACKS FOR PRIMARY STRUCTURES 30 FEET FRONT AND BACK AND 12 FEET ON SIDES.
  - THERE ARE NO SLOPES OVER 20% IN THIS SUBDIVISION.

NARRATIVE:  
THIS SURVEY USED THAT SURVEY RECORDED WITH THE CACHE COUNTY SURVEYOR AS SURVEY NUMBER 2007-0193. LOTS 1 AND 3 ALREADY HAVE EXISTING HOMES, EXISTING WELLS, EXISTING SEPTIC SYSTEMS, AND EXISTING AGRICULTURAL ACTIVITIES. THE PURPOSE OF THIS SUBDIVISION IS TO CREATE A LEGAL LOT FOR THE HOUSE THAT IS LOCATED ON LOT 1. THIS SURVEY USED THE BOUNDARY OF PARCEL 2 OF SAID SURVEY NUMBER 2007-0193 AS A BOUNDARY FOR LOT 1. LOT 1 INCLUDES PARCEL NUMBER 01-085-0019 AS LOT 3 IN THE BOUNDARY.

OWNER:

SAGAMORE FARMS, A UTAH LIMITED PARTNERSHIP, PERSONALLY APPEARED TO ME, THE UNDERSIGNED, NOTARY PUBLIC IN AND FOR THE COUNTY OF CACHE IN SAID STATE OF UTAH, THE SIGNER OF THE ABOVE DESCRIBED PARCEL OF LAND DO HEREBY SUBMIT SAID PARCELS TO BE SUBDIVIDED INTO LOTS AND TO BE SUBDIVIDED AND KNOWN AS ANDREW LEE SUBDIVISION.

PROPERTY CORNERS  
SET BY SURVEY #2007-0193  
5/8" REBAR W/ CAP

LEGEND  
--- X --- EXISTING FENCE  
--- DEED (RECORD) LINE  
+ SECTION CORNER  
+ MONUMENTS FOUND  
o PROPERTY CORNERS  
• SET BY THIS SURVEY

VICINITY MAP



COUNTY ATTORNEY APPROVAL OF FROM  
I, CERTIFY THAT I HAVE EXAMINED THIS PLAT AS TO FORM AS REQUIRED BY STATE LAW AND COUNTY ORDINANCE  
THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2014

BY: \_\_\_\_\_  
CACHE COUNTY ATTORNEY

COUNTY COUNCIL APPROVAL AND ACCEPTANCE

THIS PLAT WAS APPROVED AND ACCEPTED BY THE CACHE COUNTY COUNCIL ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2014.

BY: \_\_\_\_\_  
ATTESTED TO: \_\_\_\_\_

CACHE COUNTY PLANNING COMMISSION

THIS PLAT WAS APPROVED BY THE PLANNING COMMISSION ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2014

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2014  
BY: \_\_\_\_\_

COUNTY SURVEYOR'S CERTIFICATE

I, CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND THAT IT IS CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE, AND FURTHER, IT MEETS THE MINIMUM STANDARDS FOR PLATS REQUIRED BY COUNTY ORDINANCE AND STATE LAW.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2014

CACHE COUNTY SURVEYOR

BEAR RIVER HEALTH DEPT. APPROVAL

THE SUBDIVISION DESCRIBED IN THIS PLAT HAS BEEN APPROVED BY THE BEAR RIVER DISTRICT HEALTH DEPARTMENT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2014.

BY: \_\_\_\_\_ TITLE: \_\_\_\_\_

OWNER'S DEDICATION

THE UNDERSIGNED, BEING ALL OWNERS OF RECORD OF THE ABOVE DESCRIBED PARCEL OF LAND DO HEREBY SUBMIT SAID PARCELS TO BE SUBDIVIDED INTO LOTS AND TO BE SUBDIVIDED AND KNOWN AS ANDREW LEE SUBDIVISION.

JON G. LEE, GENERAL PARTNER  
ROBERT Q. LEE, GENERAL PARTNER

ACKNOWLEDGEMENT

STATE OF UTAH  
COUNTY OF CACHE  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2014, JON G. LEE, GENERAL PARTNER, SAGAMORE FARMS, A UTAH LIMITED PARTNERSHIP, PERSONALLY APPEARED TO ME, THE UNDERSIGNED, NOTARY PUBLIC IN AND FOR THE COUNTY OF CACHE IN SAID STATE OF UTAH, THE SIGNER OF THE ABOVE DESCRIBED PARCEL OF LAND DO HEREBY SUBMIT SAID PARCELS TO BE SUBDIVIDED INTO LOTS AND TO BE SUBDIVIDED AND KNOWN AS ANDREW LEE SUBDIVISION. I HAVE EXAMINED THE PLAT AND FIND IT TO BE 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.

NOTARY PUBLIC

ACKNOWLEDGEMENT

STATE OF UTAH  
COUNTY OF CACHE  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2014, ROBERT Q. LEE, GENERAL PARTNER, SAGAMORE FARMS, A UTAH LIMITED PARTNERSHIP, PERSONALLY APPEARED TO ME, THE UNDERSIGNED, NOTARY PUBLIC IN AND FOR THE COUNTY OF CACHE IN SAID STATE OF UTAH, THE SIGNER OF THE ABOVE DESCRIBED PARCEL OF LAND DO HEREBY SUBMIT SAID PARCELS TO BE SUBDIVIDED INTO LOTS AND TO BE SUBDIVIDED AND KNOWN AS ANDREW LEE SUBDIVISION. I HAVE EXAMINED THE PLAT AND FIND IT TO BE 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.

NOTARY PUBLIC

RECORDER'S CERTIFICATE  
INSTRUMENT NO. \_\_\_\_\_  
DATE \_\_\_\_\_  
RECORD OF SURVEY NO. \_\_\_\_\_  
REQUESTED BY \_\_\_\_\_  
RECORDED BY \_\_\_\_\_  
FEE \_\_\_\_\_

SURVEYOR'S CERTIFICATE

I, TIMOTHY LYNN CHRISTENSEN DO HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR IN THE STATE OF UTAH, THAT I HOLD CERTIFICATE NUMBER 375047 AND THAT BY THE AUTHORITY OF THE OWNERS OF THIS PARCEL, I HAVE SURVEYED AND PLATTED THE ABOVE DESCRIBED PARCEL OF LAND.

DATE

TIMOTHY LYNN CHRISTENSEN

SUBDIVISION PLAT  
FOR  
ANDREW LEE SUBDIVISION

SECTION 21 T. 10 N. R. 1 E. S. 1 BASE & MERIDIAN  
CACHE COUNTY, UTAH  
SURVEYED BY: TO  
OFFICE WORK BY: TO, MP  
FIELD BOOK NO. \_\_\_\_\_  
PROJECT NO. 14106  
COMPLETE DATE: SEPT. 2014

LAND SURVEYORS

A. A. HUDSON  
AND  
ASSOCIATES

132 SOUTH STATE  
PRESTON, IDAHO 83263  
(208)852-1155



**STAFF REPORT: KERR BASIN REZONE**

5 May 2016

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:** Brian Lyon

**Parcel ID#:** 10-031-0005

**Staff Recommendation:** Approval

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

**LOCATION**

*Reviewed by: Jacob Adams - Planner I*

**Project Address:**

~5600 South and 5400 West  
West of Wellsville

**Acres:** 11.25

**Surrounding Uses:**

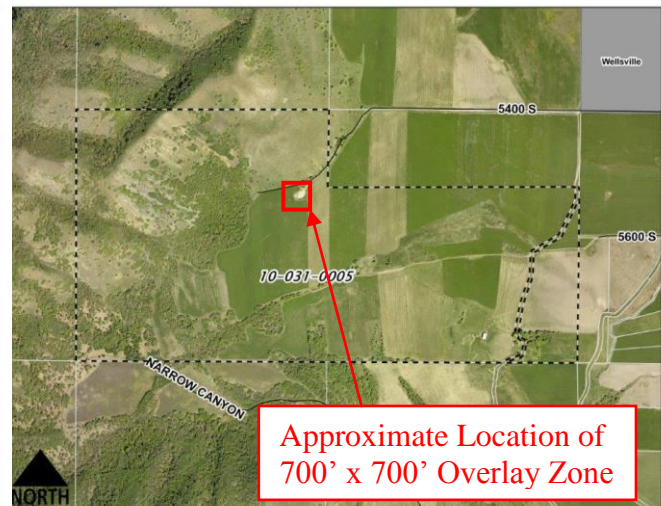
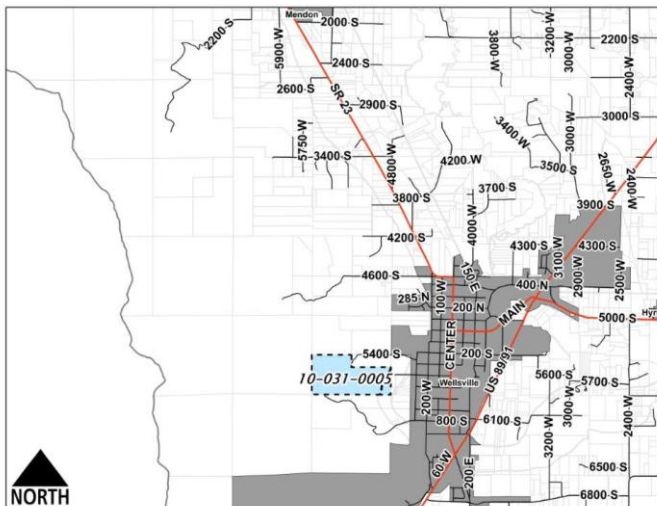
North – Agricultural/Gravel Pits  
South – Agricultural/Forest  
East – Agricultural/Residential  
West – Forest

**Current Zoning:**

Forest Recreation (FR-40)

**Proposed Zoning:**

Mineral Extraction  
and Excavation (ME)  
Overlay



**PROJECT PURPOSE, APPLICABLE ORDINANCE, SUMMARY, AND PUBLIC COMMENT**

**Purpose:**

To review the proposed Kerr Basin Rezone, a request to rezone a 11.25 acre portion of the 286.21 acre parcel 10-031-0005 currently zoned Forest Recreation (FR-40) to include the Mineral Extraction and Excavation (ME) Overlay Zone, and make a recommendation to the County Council.

**Ordinance:**

County Land Use Code §17.08.050 [A] identifies the purpose of the Mineral Extraction and Excavation (ME) Overlay Zone:

1. The purpose of this zone is to establish locations and to protect the commercial mineral extraction and excavation industry while protecting the environment and county citizens. This zone is to assure that the operations of such sites do not impact adjoining uses and are not encroached upon by surrounding noncompatible land uses within Cache County.
2. This zone and provisions thereof are deemed necessary in the public interest to affect practices which will, for the economical use of vital materials necessary for our economy, give due consideration to the present and future use of land in the interest of promoting the public health, safety, and general welfare of the residents of Cache County.

County Land Use Code §17.13.010 identifies the requirements for the Mineral Extraction and Excavation (ME) Overlay Zone:

- A. Property shall be rezoned through the county rezone process (section 17.02.060 of this title) prior to a master plan submittal.
- B. In order to support the intended commercial mineral extraction or excavation uses, the minimum acreage for the ME zone shall be five (5) acres.
- C. Development within the ME zone shall adhere to all standards set forth in this title and the subdivision ordinance.

Any impacts related to conditional uses allowed within the Mineral Extraction and Excavation (ME) Overlay Zone will be addressed as part of each respective approval process required prior to site development activities, including improvement to substandard portions of access roads.

**Summary:**

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 following text:

**Property Context:** The property proposed to be rezoned an 11.25 acre portion of a 268.81 acre parcel, which itself is a combination of legal 1970 acre parcels. The Sand and Gravel Resource Potential Map indicates the area contains alluvial deposits and may contain delta & shoreline deposits (Exhibit A).

**Land Use Context:** Under the current County Land Use Code, the Mineral Extraction and Excavation (ME) Overlay Zone allows Mineral Extraction (use index 7400) and Topsoil Extraction (use index 7410) as conditional uses where they would otherwise not be permitted under the base Forest Recreation (FR40) Zone.

**Zone Placement:** The majority of the land surrounding the subject property is currently used for agricultural and recreation uses. There are several existing gravel pits to the north of the subject property. Immediately to the north are several pits owned by the LeGrand Johnson Construction Company (parcels 10-031-0002, 10-018-0012, and 10-018-0015, now under parent company Kilgore Companies), and beyond these are the Leatham (parcel 11-075-0004) and Archibald (11-075-0003) pits (Exhibit B)

There are two other Mineral Extraction and Excavation (ME) Zone Overlays in the vicinity. The Pine Canyon Gravel Pit overlay zone was established on parcel 11-075-0008 (in between the LeGrand Johnson pits and the Leatham pit) in 2012, and the Leatham overlay zone was established on parcel 11-071-0007 (north of the Archibald pit) in 2006.



The subject property is within one-third mile of the Wellsville municipal boundary and the associated residential uses therein and will be accessing Wellsville City Roads. Wellsville City has been notified and has indicated they have no problems with the rezone.

**Road Access:** The proposed rezone area is accessed by private road 5400 South, which is a 17 foot wide gravel road. This road crosses land owned by the applicant, an additional private land owner, and Wellsville City before connecting to the Wellsville City road network at 300 West. Adequate easements or rights-of-way must be provided, and additional road improvements may also be required, at the time a conditional use permit is considered.

The county originally identified portions of 5400 South and 5600 South as county roads; however, further research has shown that they are private roads. They are not on the list of county roads and it does not appear the county has performed any degree of maintenance on them in the last twenty years.

Wellsville City may have additional requirements for large truck traffic on their roads; the applicant is responsible to work with the City on these requirements.

**Road Maintenance Capability:** The maintenance of private road 5400 South is the responsibility of the owners or users of the road.

**Fire Service:** Access for fire protection and emergency services is currently inadequate. 5400 South is adequate for fire vehicles until the last 100 feet. The owner has stated to the Fire District that he will widen this portion to 20 feet and put down a gravel surface.

**Utilities and Public Services Provision:** No utilities or public services are provided in this area.

#### **Public Notice and Comment:**

Public notice was posted online to the Utah Public Notice Website and the Cache County website on 21 April 2016. Notice was also published in the Herald Journal on 24 April 2016. Notices were mailed to all property owners within 300 feet of the subject property on 29 April 2016. Wellsville City was also noticed. At this time, no public comment regarding this proposal has been received by the Development Services Office.

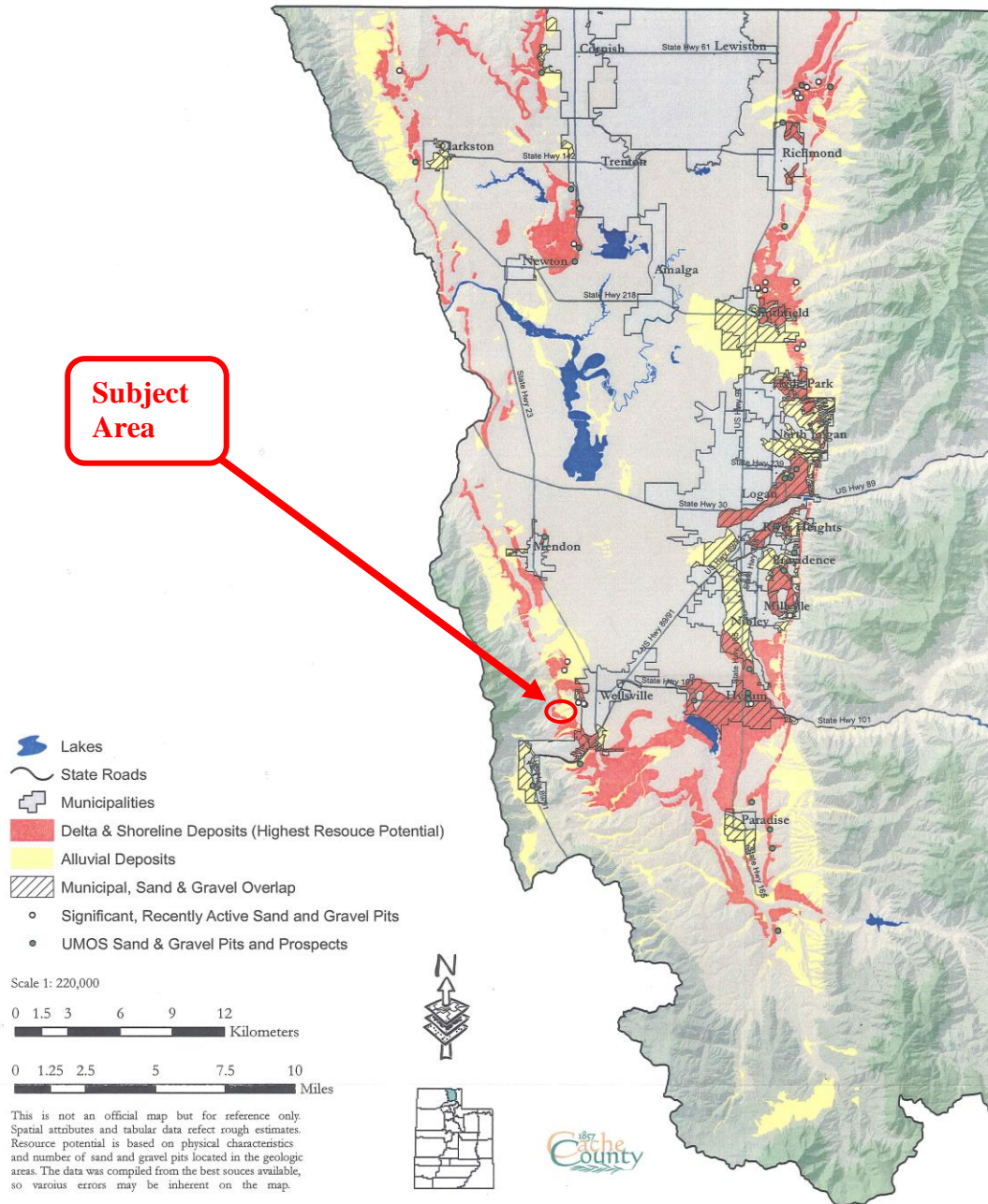
#### **STAFF DETERMINATION AND FINDINGS OF FACTS (2)**

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It is staff's determination that the Kerr Basin request to rezone an 11.25 acre portion of a 268.81 acre property located at approximately 5600 South 5400 West, west of Wellsville, parcel number 10-031-0005 in the Forest Recreation (FR40) Zone, to include the Mineral Extraction and Excavation (ME) Overlay Zone, is in conformance with the Cache County Land Use Code and should be recommended for approval to the Cache County Council. This determination is based on the following findings of fact:

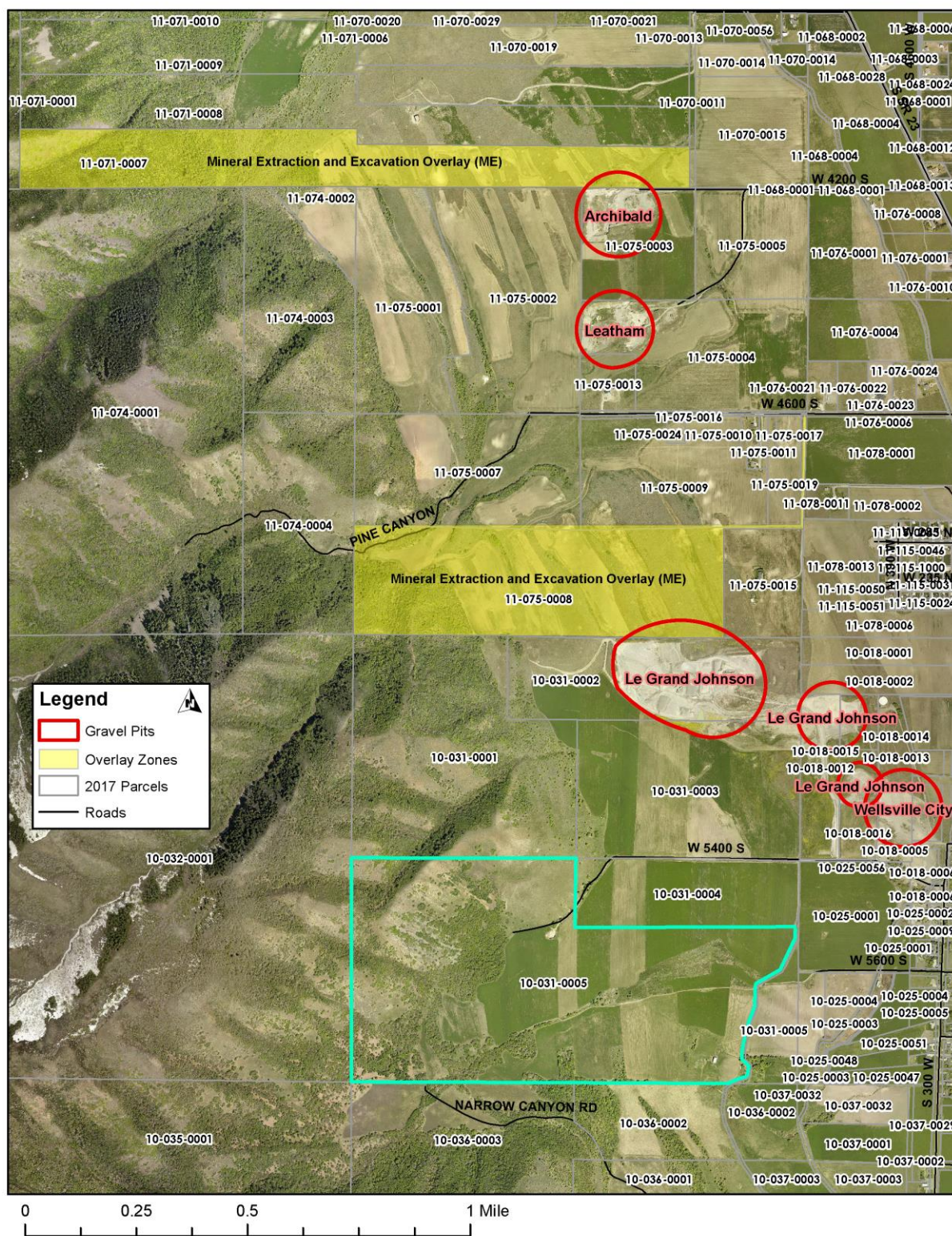
1. The proposed zone does not impact adjoining land uses and is compatible with adjoining uses as there are several existing gravel pits and Mineral Extraction and Excavation (ME) Overlay Zones in the area.
  - a. There are five gravel pits under three owners (LeGrand Johnson Construction, Leatham, and Archibald) and two parcels in the Mineral Extraction and Excavation (ME) Overlay Zone within a two mile radius of the property (Exhibit B).
  - b. The property includes areas likely to contain high resource potential with alluvial and delta & shoreline deposits as identified on the County Sand and Gravel Resource Potential Map.
2. The proposed rezone area is greater than five acres.

# Sand & Gravel Resource Potential Cache County, Utah

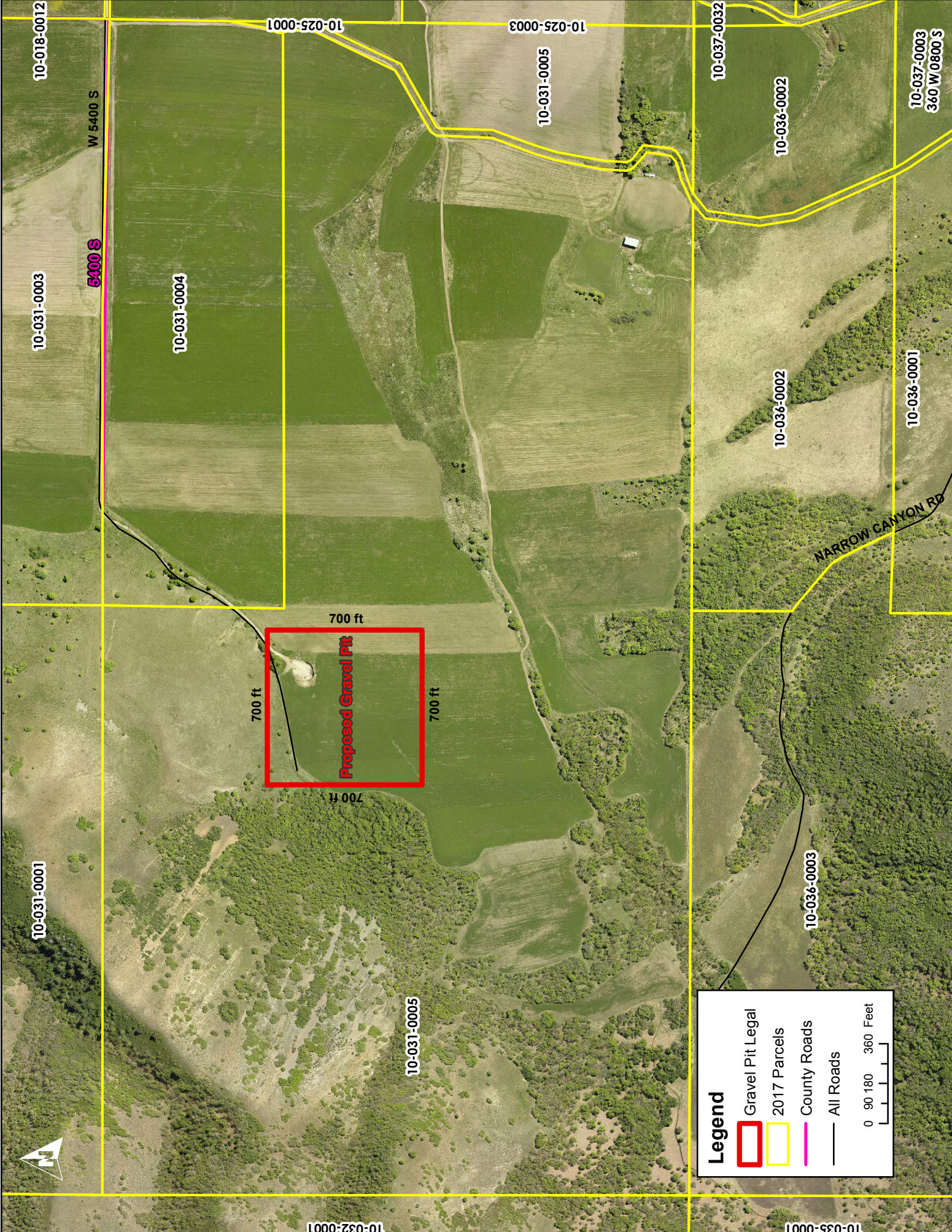


SYMBOL	UNIT	MUNICIPAL ACRES	COUNTY ACRES	MAX. THICK (FEET)	SORTING	ROUNDING	NUM. PITS
Qlpd	Deltaic deposits, Provo level (regressive)	5791	4984.23	82.02	mod. to well	subrounded to round	23
Qlpg	Lacustrine gravel and sand, Provo shoreline (regressive)	889	3953.86	16.4	well	subrounded to round	9
Qlbd	Deltaic deposits, Bonneville level (transgressive)	665	416.35	16.4	mod. to well	subrounded to round	1
Qlbg	Lacustrine gravel and sand, Bonneville shoreline (transgressive)	9	10402.73	65.62	well	subrounded to round	12
Qaly	Younger stream alluvium	3066	5649.82	32.81			0
Qalp	Stream alluvium, Provo phase	3	119.57	16.4	moderately	subangular to rounded	0
Qalb	Stream alluvium, Bonneville phase	0	498.17	16.4	moderately	subangular to rounded	0
Qaf1	Fan alluvium 1	2478	5730.01	16.4	poorly	angular to subround	0
Qaf2	Fan alluvium 2	1558	2862.06	16.4	poorly	angular to subround	0
Qafy	Younger fan alluvium	1783	5791.91	16.4	poorly	angular to subround	0
Qafp	Fan alluvium (Provo shoreline)	243	100.24	16.4	poorly to moderate	angular to well	0
Qaf0	Older fan alluvium	256	6973.7	32.81	poorly	angular to well	0









**Legend**

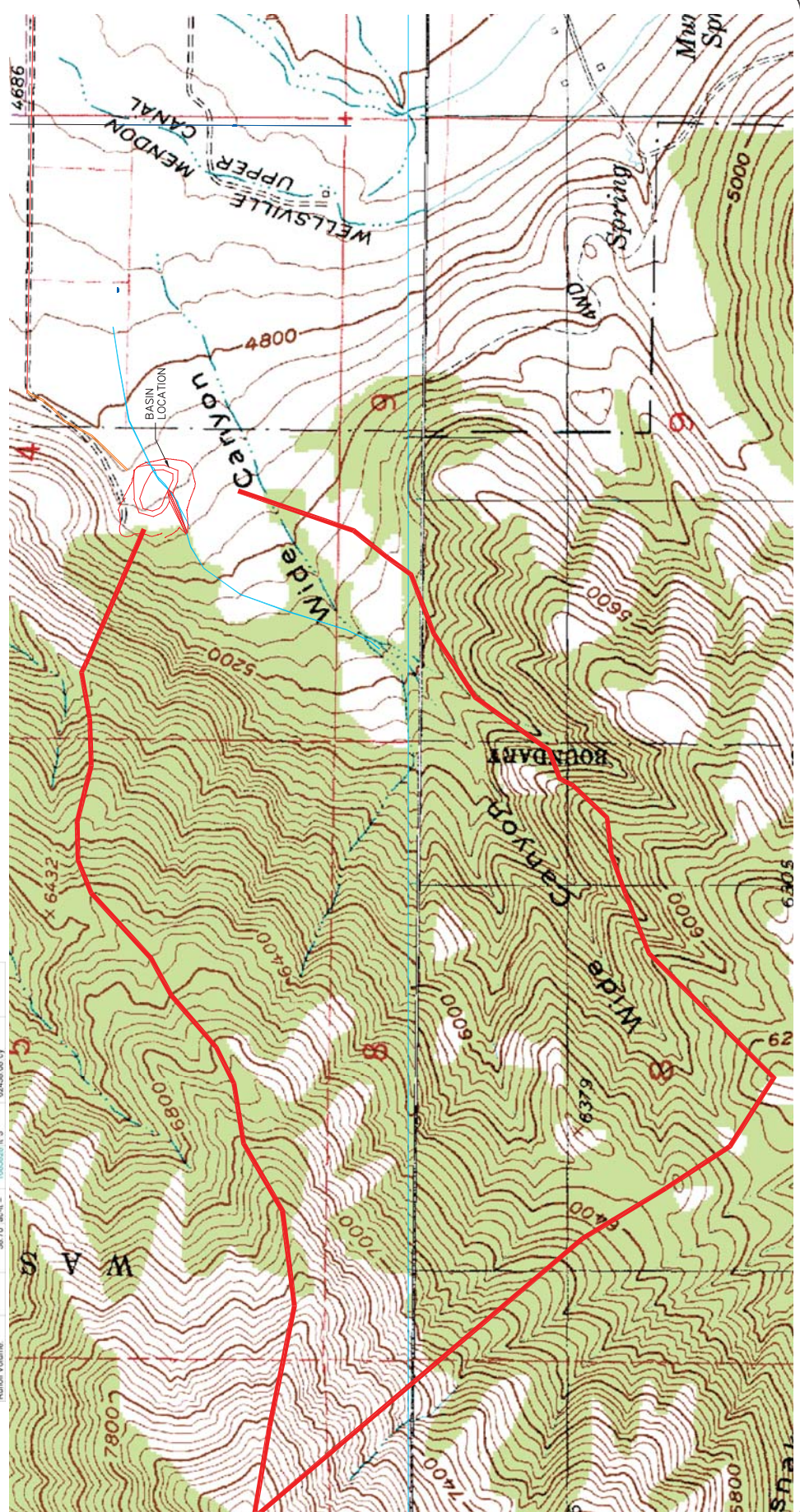
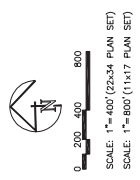
-  Gravel Pit Legal
-  2017 Parcels
-  County Roads
-  All Roads





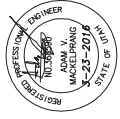
# KERR BASIN CONSTRUCTION PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 10 NORTH, RANGE 1 WEST, SALT LAKE BASIN AND MERIDIAN, CACHE COUNTY, UTAH HYDROLOGY

Basin Sizing Calculations			
Basin 1:			
Total Drainage area to Basin:	527 acres	Area draining from Watershed	
Rainfall depth:	3.74 inches	100-year, 24 hr storm	
Rainfall coefficient:	65	ON value from the San Bernardino Hydrology Calculations	
S value:	5.38	S=1000/CN-10	
Rund Depth:	0.88 in	C=(P-0.25)/(P+0.85)	
		Vol=Q/12"A	
Rundoff Volume:	38.70 ac-ft = 1685500 ft <sup>3</sup>	62438.08 cy	





# KERR BASIN CONSTRUCTION PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 10 NORTH, RANGE 1 WEST, SALT LAKE BASLINE AND MERIDIAN CACHE COUNTY, UTAH BASIN PLAN



0 30 60 120

SCALE: 1"=60' (22x34 PLAN SET)  
 SCALE: 1"=120' (11x17 PLAN SET)

REVISIONS	DATE	SCALE	BY	APP
	10-2015			

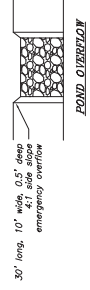
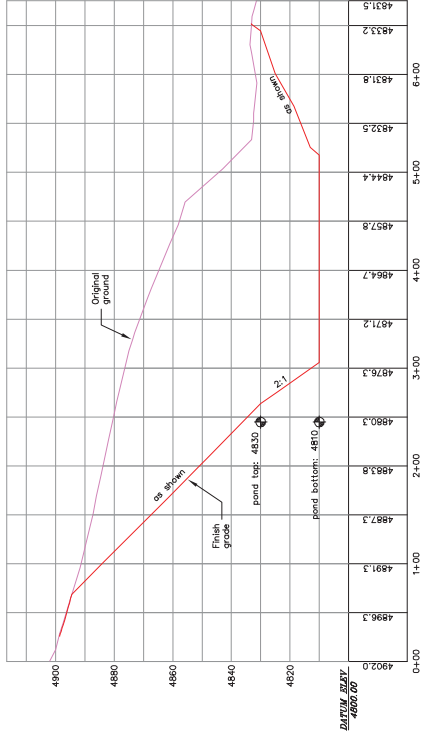
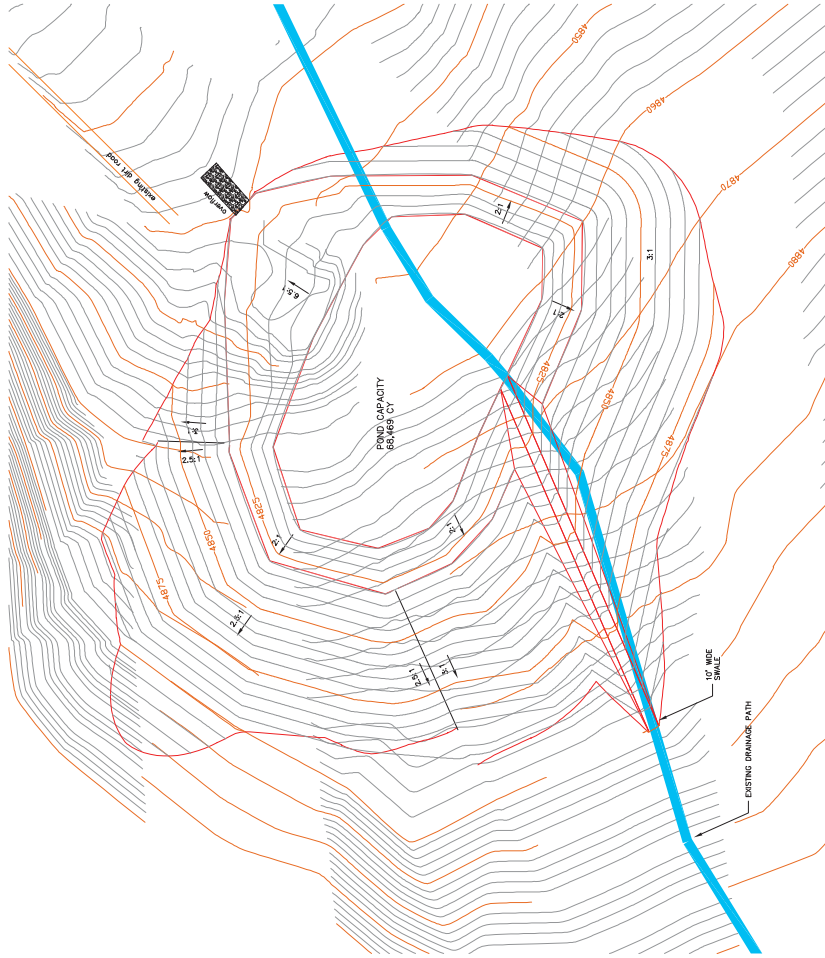
KERR BASIN CONSTRUCTION  
 PART OF THE SOUTHWEST QUARTER OF SECTION 4,  
 TOWNSHIP 10 NORTH, RANGE 1 WEST,  
 SALT LAKE BASLINE AND MERIDIAN  
 CACHE COUNTY, UTAH  
 BASIN PLAN

PROJECT

ALLIANCE CONSULTING  
 ENGINEERS, INC.  
 150 EAST 200 NORTH SUITE P  
 LOGAN, UTAH 84321  
 (435) 755-5121



30  
 SHEET  
 C-3





### STAFF REPORT: HOLYOAK AIRPORT CONDITIONAL USE PERMIT

5 May 2016

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:** Nathan and Rachel Holyoak

**Parcel ID#:** 11-014-0023

**Staff Determination:** Approval with conditions

**Type of Action:** Administrative

**Land Use Authority:** Cache County Planning Commission

### PROJECT LOCATION

*Reviewed by: Jacob Adams — Planner I*

#### Project Address:

6523 West 400 South  
Mendon, UT 84325

#### Current Zoning:

Agricultural (A10)

**Acres:** 19.74

#### Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



### PROJECT PURPOSE, APPLICABLE ORDINANCE, SUMMARY, AND PUBLIC COMMENT

#### Purpose:

To review and make a decision regarding the request to allow a private airport.

#### Ordinance:

This proposed use is defined as “6310 Private Airport” under Cache County Land Use Code §17.07.030 Definitions, and as per §17.09.030 Schedule of Uses by Zone, and is permitted as a conditional use in the Agricultural (A10) Zone only if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses. These procedures are detailed under §17.06.050 Conditional Uses and §17.06.050 [C].

### Summary:

In the addition to the requirements of the review for a conditional use permit, 6310 Private Airport (airport) requires the following items:

- |   |   |   |
|---|---|---|
| <ol style="list-style-type: none"><li>1. A copy of any and/or all FAA reviews, forms, and analyses regarding the airport location, activity, and design including:<ol style="list-style-type: none"><li>a. The current FAA Form 7480-1, and;</li><li>b. FAA response to the Form 7480-1 submission.</li><li>c. A copy of the Airport Master Record.</li></ol></li><li>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.</li></ol> | <div style="font-size: 4em; line-height: 1;">}</div> <div style="font-size: 4em; line-height: 1;">}</div> | <div>Exhibit A</div> <div>Exhibit B</div> |
|---|---|---|

As noted, these items have been attached as Exhibits A and B. FAA Form 7480-1 and the FAA response have been submitted by the proponent and indicate that the proponent has obtained the necessary review from the FAA to operate the airport. The Airport Master Record is required by the FAA once the airport is in place. A copy must also be submitted to this office once it has been submitted to the FAA. Item 2 (Exhibit B) identifies the design criteria for the airport identified by the FAA and required by County Code §17.07.030, 6310 Private Airport, and includes a runway design standards matrix specific to the owner's aircraft type.

The applicant has submitted a letter of intent detailing the proposed private airport:

1. Airstrip Type and Size — The proposed airstrip will only be used for Visual Flight Rules (VFR) flights. The airstrip will have a dirt or mowed grass surface and is intended to be slightly over 1300 feet long and 50 feet wide with an elevation of 4,565 feet above sea level. FAA Advisory Circular AC 150/5325-4B allows airport designers to determine the recommended runway length from the design aircraft's flight manual; the applicable information is found in "Aircraft Capability" below.
2. Aircraft Type — The owner's aircraft is a modified Cessna 182. This aircraft has a wingspan of 36.1 feet, a length of 28.2 feet, a tail height of 9.2 feet, and an empty weight of 1,580 pounds. The applicant has stated that any future aircraft, including family or friend's aircraft, would be less demanding than the owner's current aircraft.
3. Aircraft Capability — The Cessna's take-off distance is 625 feet of ground run with a total distance required to clear a 50-foot tall obstacle of 1205 feet. The landing distance is 590 feet of ground roll with a total distance over 50-foot obstacles of 1350 feet.
4. Operation Times — The hours of operation will vary during visible daylight hours, seven days a week based on weather/visibility. It is not anticipated to be regularly used between 10:30 PM and 5:00 AM due to Visual Flight Rules (VFR) restrictions. Should the airport need to be used during these times, the applicants have expressed a willingness to notify immediately adjacent neighbors. The applicant anticipates an average of 15 landings per month.
5. Storage — The applicant states an existing hanger on the property will be used for storage of their personal aircraft. This hanger was built along with the house as a "shop."

The applicant has not provided details relating to the runway design standards set forth in FAA Airport Design Advisory Circular AC 150/5300-13A, Table 3-5. The relevant dimensions were identified by staff and are shown in Table 1 (next page) and illustrated in Exhibit C. Of these items, the proposed runway does not appear to meet the runway width requirement or the width requirements for the Runway Safety Area, the Runway Object Free Area, and the Runway Obstacle Free Zone due to the



residential homes in the area. There is only approximately 500 feet between the applicant's home and the home and structures on the property to the east.

**Table 1— Runway Design Standards (See Map, Exhibit C)**

ITEM	DIMENSIONS	ITEM	DIMENSIONS
Runway Design		Runway Obstacle Free Zone (ROFZ)	
Runway Length	As above	Length	200 ft
Runway Width	60 ft	Width	250 ft
Crosswind Component	10.5 knots		
Runway Safety Area (RSA)		Approach Runway Protection Zone (RPZ)	
Length beyond departure end	240 ft	Length	1000 ft
Length prior to threshold	240 ft	Inner Width	250 ft
Width	120 ft	Outer Width	450 ft
		Acres	8.035
Runway Object Free Area (ROFA)		Departure Runway Protection Zone (RPZ)	
Length beyond runway end	240 ft	Length	1000 ft
Length prior to threshold	240 ft	Inner Width	250 ft
Width	250 ft	Outer Width	450 ft
		Acres	8.035

There are additional concerns with the length or width of the Approach and Departure Runway Protection Zones (depending on the length of the runway and where it is located on the parcel) due to the nearby structures and the parcels to the north and south. The parcel to the south (11-014-0033) is the currently undeveloped Lot 3 of the Pheasant Ridge Estates Subdivision, while the 38-acre (12-035-0011) and the 9.25-acre (12-035-0028) parcels to the north are currently used for agriculture.

Advisory Circular AC 150/5300-13A indicates that airport operators should own the Runway Protection Zones. In this case, future development on these parcels may interfere with these zones and create unsafe situations. It is left to the Planning Commission to determine whether to require the applicant own the land associated with the RPZ's or to allow the airport with the condition that the development rights of these parcels have priority over the airport and future development in these areas may restrict the airport's ability to operate.

Federal regulation 14 CFR 91.119, Minimum Safe Altitudes: General, requires that, except as needed for takeoff and landing, an aircraft cannot be operated within 500 feet of any person, vessel, vehicle, or structure in a sparsely populated area.

**Access:**

- Access to the airport site and to private road 400 South is from county road 6400 West and does not meet the minimum county standards
- County road 6400 West is a 17 foot wide gravel road.
- The current Cache County Manual of Roadway Design and Construction Standards §2.3 specifies that roads with more than 30 ADT are required to meet the minimum county roadway standards, specifically, a 22' wide paved surface with 1' wide gravel shoulders.
- Private road 400 South is a 17 to 20 foot wide gravel road.
- The current Cache County Manual of Roadway Design and Construction Standards §2.4 [4] [a] [ii] specifies that the private drive must be a minimum of 20 feet wide.
- Staff recommends that a design exception be granted for the substandard portions of county road 6400 West and private road 400 South as the impact to these roads due to the proposed use is negligible (see section 2.4 [4] [c] [i] of The Cache County Manual of Roadway Design

and Construction Standards), and the involved lots are part of an approved subdivision (see section 2.4 [4] [b] [i & ii] of The Cache County Manual of Roadway Design and Construction Standards).

***Service & Maintenance:***

- Cache County performs year round maintenance on county road 6400 West.
- Maintenance of private road 400 South is the responsibility of the homeowners within the Pheasant Ridge Subdivision.
- Water supply for fire suppression would be provided by the Mendon Fire Department.
- In order to provide for the public safety in the form of fire and emergency medical service to the proposed airstrip, the access road to the airstrip shall be a minimum of 12' wide, all-weather surface such that fire apparatus and emergency medical vehicles are able to access the site in a minimal amount of time under weather conditions common to the area (IFC 503.2.3).
- As the landing strip will be vegetated (grass), there will be minimal land disturbance. If the existing landing strip is amended in the future and results in more than 5,000 square feet of land disturbance, the applicant must meet the minimum storm water requirements in place at that time. Best Management Practices (BMP's) must then include and define how storm water will be controlled on-site.

***Sensitive Areas:***

- There is a mapped FEMA floodplain associated with Spring Creek on this property. While the runway will pass through this floodplain, no structures are being proposed within this area.

**Public Notice and Comment:**

Public notice was posted online to the Utah Public Notice Website and the Cache County website on 21 April 2016. Notice was also published in the Herald Journal on 26 April 2016. Notices were mailed to all property owners within 300 feet of the subject property on 29 April 2016. At this time, no public comment regarding this proposal has been received by the Development Services Office.

**STAFF DETERMINATION AND FINDINGS OF FACT (4)**

It is staff's determination that the request for a conditional use permit for the Holyoak Airport, located in the Agricultural (A10) Zone at 6523 West 400 South near Mendon with parcel number 11-014-0023 is in conformance with the Cache County Code and should be approved. This determination is based on the following findings of fact:

1. The Holyoak Airport conditional use permit has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Holyoak Airport conditional use permit has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Holyoak Airport conditional use permit has been reviewed in conformance with §17.06.070 of the Cache County Code, Standards and Criteria for Conditional Use, and conforms to said title, pursuant to the conditions of approval.
4. A design exception is hereby approved to allow county road 6400 West and private road 400 South to function as substandard roadways as the impact to the road is negligible and no structures are proposed.

## CONDITIONS OF APPROVAL (7)

---

The following conditions are appurtenant to the existing property and must be accomplished prior to recordation or operation for the development to conform to the County Code and the requirements of county service providers.

1. The proponent must meet all applicable standards of the Cache County Code.
2. Prior to recordation, the applicant must provide a revised runway layout and design compliant with the runway design standards in FAA Advisory Circular AC 150/5300-13A.
3. The proponent must follow the site plans and letter of intent submitted to the Cache County Development Services office, except as conditioned by the Cache County Planning Commission herein.
4. If the existing landing strip is amended in the future and results in more than 5,000 square feet land disturbance, the applicant must meet the minimum storm water requirements in place at that time. Best Management Practices (BMP's) must then include and define how storm water will be controlled on-site.
5. In order to provide for the public safety in the form of fire and emergency medical service to the proposed airstrip, the access road to the airstrip must be a minimum of 12 feet wide and provide an all-weather surface for emergency vehicle access.
6. A copy of the Airport Master Record must be provided to the Development Services Department once the airport is in operation.
7. Any further expansion or modification of the facility or site must obtain the approval of the designated Land Use Authority.

## NOTICE FOR CONSTRUCTION, ALTERATION AND DEACTIVATION OF AIRPORTS

### A. Airport Owner

☒ Check if this is also the Property Owner

1. Name and Address ☒ Check if this is the Airport's Physical Address

Nathan & Rachel Holyoak  
PO Box 4927 / 6523 West 400 South  
Logan, UT 84323

2. Phone  
(435) 757-1578

3. Email  
racheljholyoak@yahoo.com

### B. Airport Manager (Complete if different than the Airport Owner)

1. Name and Address ☐ Check if this is the Airport's Physical Address

2. Phone

3. Email

### C. Purpose of Notification (Answer all questions that apply)

1. Construct or Establish an: ☒ Airport ☐ Ultralight Flightpark ☐ Balloonport  
☒ Heliport ☐ Seaplane Base ☐ Other

2. Construct, Alter or Realign a: ☒ Runway ☐ Helipad(s) ☐ Other  
☒ Taxiway (Public Use Airports only)

3. Change Status From/To: ☒ VFR to IFR ☐ IFR to VFR  
☒ Private Use to Public Use ☐ Public Use to Other

4. Change Traffic Pattern: ☐ Direction \_\_\_\_\_  
☐ Altitude \_\_\_\_\_ ☐ Other (Describe Below)

5. Deactivate: ☐ Airport ☐ RWY \_\_\_\_\_ ☐ TWY \_\_\_\_\_

6. Description:  
Private Grass Airstrip

### D. Name, Location, Use and Type of Landing Area

1. Name of Landing Area  
Holyoak Private Airstrip

2. Loc ID (for existing)

3. Associated City and State  
Mendon, UT

4. Distance from City  
3 (nm)

5. County (Physical Location)  
Cache

6. Direction from City  
Northwest

7. Latitude  
41° 43' 29"

8. Longitude  
111° 59' 40"

9. Elevation  
4,565

10. Current Use: ☒ Private ☐ Public ☐ Private Use of Public Lands

11. Ownership: ☒ Private ☐ Public ☐ Military (Branch) \_\_\_\_\_

12. Airport Type: ☒ Airport ☐ Ultralight Flightpark ☐ Balloonport  
☐ Heliport ☐ Seaplane Base ☐ Other

### E. Landing Area Data (List any Proposed, New or Unregistered Runways, Helipads etc.)

1. Airport, Seaplane Base or Ultralight Flightpark (use second page if needed)

2. Heliport, Balloonport or other Landing Area (use second page if needed)

RWY ID	36 /	18 /	Helipad ID		
Lat. & Long.	Show on attachment(s)	Show on attachment(s)	Lat. & Long.	Show on attachment(s)	Show on attachment(s)
Surface Type	Grass	Grass	Surface Type		
Length (feet)	1,300	1,300	TLOF Dimensions		
Width (feet)	50	50	FATO Dimensions		
Lighting (if any)	None	None	Lighting (if any)		
Right Traffic (Y/N)	N /	N /	Ingress/Egress (Degrees)		
Elevation (AMSL)	Show on attachment(s)	Show on attachment(s)	Elevation (AMSL)	Show on attachment(s)	Show on attachment(s)
VFR or IFR	VFR /	VFR /	Elevated Height (AGL)		

### F. Operational Data (Indicate if the number provided is Actual or Estimated)

	1. Number of Based Aircraft		2. Average Number of Monthly Landings	
	Present or Estimated	Estimated in 5 Years	Present or Estimated	Estimated in 5 Years
Single Engine	1	2	15	15
Multi Engine				
Jet				
Helicopter				
Glider				
Military				
Ultralight				

3. What is the Most Demanding Aircraft that operates or will operate at the Airport? (Provide approach speed, rotor diameter, etc. if known)  
C-182, 52 knots approach speed, 78 in propeller diameter, 36 ft wing span.

4. Are IFR Procedures for the Airport Anticipated? ☐ Yes ☒ No if Yes, Within \_\_\_\_\_ Years

**G. CERTIFICATION:** I hereby certify that all of the above statements made by me are true and complete to the best of my knowledge.

1. Name, title of person filing this notice (type or print)  
Nathan and Rachel Holyoak, Airport Owners

2. Signature (in ink)  
*Rachel J Holyoak*

3. Date  
01/21/2016

4. Phone  
(435) 757-1578

5. Email  
racheljholyoak@yahoo.com



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Denver Airports District Office  
26805 East 68th Ave., Suite 224  
Denver, CO 80249-6361  
(303) 342-1250

March 10, 2016

Nathan & Rachel Holyoak  
P.O. Box 4927  
6523 West 400 South  
Logan, Utah 84323

Dear Mr. and Mrs. Holyoak:

Airspace Case No. 2016-ANM-128-NRA

An airspace analysis has been completed for the proposed private use Holyoak Airport, Mendon, Utah, at the location as submitted on Form 7480-1. Based on this study, the Federal Aviation Administration (FAA) has no objection.

Operations should be conducted in accordance with the communications requirements and restrictions of the overlying class of airspace. We recommend that a clear 20:1 approach slope be established and maintained.

Please check the performance capabilities of the aircraft you intend to operate at your airport to ensure you have adequate runway length. All users of the airport should be briefed on operating conditions at the airport.

This determination does not mean FAA approval or disapproval of the physical development involved in the proposal. It is a determination with respect to the safe and efficient use of airspace by aircraft and with respect to the safety of persons and property on the ground. This determination does not relieve the proponent of responsibility for compliance with any local law, ordinance or regulations, or state or other Federal regulations.

In making this determination, the FAA has considered matters such as the effect the proposal would have on the existing or planned traffic patterns of neighboring airports, the effects it would have on the existing airspace structure and projected program of the FAA, the effects it would have on the safety of persons and property on the ground, and the effects that existing or proposed man-made objects (on file with the FAA) and known natural objects within the affected area would have on the proposal.

The FAA cannot prevent the construction of structures near an airport. The airport environs can only be protected through such means as local zoning ordinances or acquisition of property rights. It is up to you, as the owner, to provide for this protection.

No evaluation of the environmental aspects of the proposal was made in reaching this determination. Therefore, this determination is not to be construed as approval of the proposal from an environmental standpoint under Public Law 91-190 (National Environmental Policy Act of 1969).



In order to avoid placing any unfair restrictions on users of the navigable airspace, **if your facility does not become operational by March 31, 2017, this determination will expire unless you request a time extension.**

When the airport becomes operational, please complete and return the enclosed Airport Master Record form to this office (address above). The Airport Master Record officially notifies the FAA that your facility has been activated. When the processing of the Airport Master Record form is completed, your landing area will have a site number and a permanent location identifier. This determination was based on the information you provided on the 7460-1 form and location maps. If there are changes to your proposal since you filed the FAA Form 7480-1 (location, coordinates, magnetic bearing of runways, etc.), a new aeronautical review may be required.

**The airport master record must be returned for the FAA to consider your airport activated.**

If this facility changes names, changes ownership, closes, if there is a change in the owner's address or other substantial changes, please notify the FAA, NFDC on Form 5010-2. The FAA might solicit information updates on your airport, and if the solicitation is not responded to, your airport could be considered an inactive facility. **Please keep your contact information current.**

Thank you for your cooperation in this matter. If you have any questions, please contact me at (303) 342-1251.

Sincerely,



Marsha Hofer  
Program Specialist

Enclosure

cc:  
AAS-300 w/7480-1 & sketch  
Utah State Aeronautics  
Cache County Planning Department

MMS:

TAKE OFF - 625'

LANDING - 590'

Table 3-5. Runway design standards matrix

Aircraft Approach Category (AAC) and  
Airplane Design Group (ADG):

(select from pull-down menu at right)

ITEM

Runway Design

Runway Length  
Runway Width  
Shoulder Width *N/A*  
Blast Pad Width *N/A*  
Blast Pad Length *N/A*  
Crosswind Component

Runway Protection

Runway Safety Area (RSA)  
Length beyond departure end <sup>9, 10</sup>  
Length prior to threshold  
Width

Runway Object Free Area (ROFA)  
Length beyond runway end  
Length prior to threshold  
Width

Runway Obstacle Free Zone (ROFZ)  
Length  
Width

Precision Obstacle Free Zone (POFZ)  
Length  
Width

Approach Runway Protection Zone (RPZ)  
Length  
Inner Width  
Outer Width  
Acres

Departure Runway Protection Zone (RPZ)  
" Length  
" Inner Width  
" Outer Width  
Acres

Runway Separation - *N/A*

Runway centerline to:

Parallel runway centerline  
Holding position  
Parallel Taxiway/Taxilane centerline <sup>2, 4</sup>  
Aircraft parking area  
Helicopter touchdown pad

Notes:

- Appendix 7 contains non-interactive tables for all RDCs.
- Values in the table are rounded to the nearest foot. 1 foot = 0.305 meters.

B - I Small Aircraft

Visibility Minimums

DIM<sup>1</sup> Visual Not Lower than 1 mile Not Lower than 3/4 mile Lower than 3/4 mile

A	Refer to paragraphs 302 and 304			
B	60 ft	60 ft	60 ft	75 ft
	<del>10 ft</del>	10 ft	10 ft	10 ft
	<del>80 ft</del>	80 ft	80 ft	95 ft
	<del>60 ft</del>	60 ft	60 ft	60 ft
	10.5 knots	10.5 knots	10.5 knots	10.5 knots

R	240 ft	240 ft	240 ft	600 ft
P	240 ft	240 ft	240 ft	600 ft
C	120 ft	120 ft	120 ft	300 ft

R	240 ft	240 ft	240 ft	600 ft
P	240 ft	240 ft	240 ft	600 ft
Q	250 ft	250 ft	250 ft	800 ft

200 ft	Refer to paragraph 308 a.			
250 ft	Refer to paragraph 308 a.1. b.			

N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

L	1000 ft	1000 ft	1700 ft	2500 ft
U	250 ft	250 ft	1000 ft	1000 ft
V	450 ft	450 ft	1510 ft	1750 ft
	8.035	8.035	48.978	79.000

L	1000 ft	1000 ft	1000 ft	1000 ft
U	250 ft	250 ft	250 ft	250 ft
V	450 ft	450 ft	450 ft	450 ft
	8.035	8.035	8.035	8.035

H	Refer to paragraph 316			
	<del>125 ft</del>	125 ft	125 ft	175 ft
D	<del>150 ft</del>	150 ft	150 ft	200 ft
G	<del>125 ft</del>	125 ft	125 ft	400 ft
	N/A	N/A	N/A	N/A

Interactive Form







April 4, 2016

Development Services Department,

This letter is provided to describe the proposed use and information regarding the application for a conditional use permit, "Holyoak Airport".

### **Airstrip Intended Use**

The intended use is to re-construct/restore a dirt/grass airstrip on our property located at 6523 West 400 South in Mendon, UT. The existing airstrip has not been used or maintained for a few years. This was done to comply with the county's direction to cease operations until such time as the county could amend and/or adopt rules and regulations regarding private airports. See site map below for the existing/proposed airstrip site and Exhibit A (FAA Form 7480-1) for exact latitude, longitude, elevation, width and length of the airstrip.

The airstrip would be used mostly by the home owners and occasionally by those directly approved by the home owners (family or friends) for the take off and/or landing of personal aircraft, including airplanes and helicopters. Projected use is mostly airplanes, with the occasional use by a helicopter. It is anticipated that the airstrip may be used year round (weather permitting). As stated in the FAA application, it is estimated that the number of landings per month will be no more than 15. The need for Visual Flight Rules (VFR) conditions will naturally restrict operations to those days/times when the weather provides VFR conditions.

There are no employees intended to operate this private airstrip and anyone wishing to utilize the airstrip will need permission from the property owners prior to utilizing the airstrip, except in case of emergency.

The airstrip will be utilized at different days and times depending on the season and home owner's needs/desires, including weekdays and weekends. It is not the intent to operate the airstrip between 10:30 p.m. and 5 a.m. on any given day. Most operations will be conducted during daylight hours or within 30 minutes of dusk/dawn. Occasionally, such as on short winter days, operations may be required after nightfall, however, must still meet VFR conditions. Should the need arise to utilize the airstrip between 10:30p.m. and 5 a.m., as a matter of courtesy, the property owners are willing to be responsible to notify the immediate neighbors who are resident to the adjacent properties and may be impacted.

A hanger is already constructed and part of the residence and is anticipated to be used for the parking of the home owner's aircraft(s) when onsite. Since this airstrip is for private use only, no increase in traffic is anticipated. On the rare occasion that family or friends utilize the airstrip, the home owners will ensure the extra aircraft is parked on their property.

No signs will be posted in association with this conditional use permit. A windsock that was constructed by the previous owner in 2006, and has remained in place since that time, is the sole indication of an airstrip. It should be noted that hanger door has existing signs related to parking in front of the door as it opens outward.

The owners currently own and maintain a road grader for the purpose of grading and maintaining the approximately 0.75 miles of private dirt road associated with the subdivision. Intent will be to use the road grader to grade the airstrip. Once the grade is established, the road grader will be used to maintain any dirt sections of the airstrip and a tractor and mower will be used to maintain any grass sections of the airstrip. The owner's currently have a Cessna 182 aircraft that will be operated on this airstrip. It is anticipated that future aircraft may include an additional aircraft especially suited for off-airport landings. The property owner's family and friends who own aircraft, all have aircraft less demanding than the owner's Cessna 182. It is not anticipated that there will be any additional facilities or equipment, except as described herein, needed in connection with this conditional use permit. In addition, the refueling of aircraft will not be accommodated at this airstrip.

While there is no projected condition for additional waste or garbage, any waste or garbage generated will be disposed of using the property owner's existing receptacles.

#### Site Plan







Google earth

Imagery Date: 10/7/2014 41°43'58.09" N 112°00'06.65" W elev 4752 ft eye alt 10980 ft

© 2015 Google

Proposed  
Airstrip

Escobedo's Residence  
747' Feet

Harris's Residence  
430' Feet

Billings's Residence  
438' Feet



## **Design Criteria – AC150/5300-13A – Holyoak Airstrip**

Per the 6310 ordinance in the Cache County Code, a copy of the design criteria per Federal Aviation Administration (FAA) AC150/5300-13A must be submitted to the county at the time of application. This standard is only considered mandatory for airports that are certificated (airports with scheduled air carrier operations with more than nine passenger seats or unscheduled air carrier operations with more than 30 passenger seats) or federally funded; neither of which are applicable to the airstrip being requested. In addition, many of the requirements in AC150/5300-13A pertain to airports that use Instrument Flight Rules (IFR) and instrument approaches, which are used in marginal weather conditions (low visibility). The proposed airstrip will only be operated under Visual Flight Rules (VFR) conditions.

As mentioned in the previously approved Musselman Airstrip application, many private airstrips do not comply with the recommendations in AC 150-5300-13A for a variety of reasons, but sufficiently meet the owner's needs to safely operate a private aircraft. Examples of private airstrips in Utah that do not comply with AC 150/5300-13A for length and width that are registered with the FAA are:

- West Desert Airpark (UT99)
- Charlevoix Airport (2UT5)
- Number 18 Airport (UT13)
- Hoytsville Airport (38UT)

The details of these airports can be viewed at [www.airnav.com](http://www.airnav.com) using the airport identifiers provided.

The FAA approval letter associated with the Form 7480-1 review and approval includes a statement that it is the aircraft owner's responsibility to "please check the performance capabilities of the aircraft you intend to operate at your airport to ensure you have adequate runway length." It is up to the applicant to ensure the available runway and pilot skill level are sufficient to accommodate the aircraft to be used at the airstrip.

### **Proposed Airstrip and Aircraft Capability**

The proposed airstrip will have a dirt and/or mowed grass surface and is intended to be approximately (slightly over) 1300 feet and 50 feet wide. The field elevation is 4,565 feet above sea level.

The most demanding aircraft to be used at this airstrip is a Cessna 182. Less demanding aircraft may also be used at this airstrip with sufficient safety margin. Attached are the specifications of a Cessna 182 aircraft. The applicant's Cessna 182 has had modifications to increase performance such that it exceeds these standard performance specifications, even when adjusted for altitude. Note that the take-off and landing distances (625 ft and 590 ft) of the Cessna 182 are well below the proposed airstrip (~1300 feet). In addition, the total distance over a 50 foot obstacle for take-off and landing (1205 ft and 1350 ft) are still within the range of the airstrip. There are currently no 50 foot obstacles on either side of the proposed airstrip.

## **Conclusion**

Previous owners have used the airstrip to land a myriad of personal aircrafts, including a Cessna 182. As this airstrip is intended for private use only, ensuring each aircraft is sufficiently capable of using the airstrip will not be an issue. The largest risk currently, should a pilot misjudge the airstrip or attempt to land an aircraft that is not capable of safely landing or taking off on the proposed airstrip is to the property owner's own residence and family and therefore this should be self-regulating.

As there are no taxiways, obstacles on either end of the runway, or crossing or parallel airstrips/taxiways, the main considerations from AC150/2300-13A are runway requirements associated with length and width based on aircraft performance and safety capabilities. The proposed airstrip more than meets the requirements for the aircrafts intended to utilize the airstrip.





### STAFF REPORT: PISGAH LIMESTONE CUP 1<sup>ST</sup> AMENDMENT

5 May 2016

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:** Mike Schugg

**Parcel ID#:** 10-004-0001

**Staff Determination:** Approval with conditions

10-004-0002

**Type of Action:** Administrative

**Land Use Authority:** Cache County Planning Commission

#### PROJECT LOCATION

*Reviewed by: Jacob Adams — Planner I*

##### Project Address:

9800 South 3500 West  
Cache County

##### Current Zoning:

**Acres:** 140

Mineral Extraction and Excavation (ME)

Overlay Zone & Forest Recreation (FR40) Zone

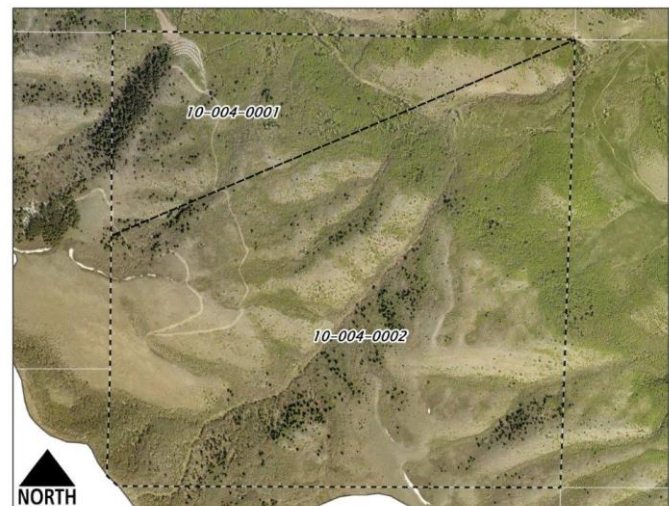
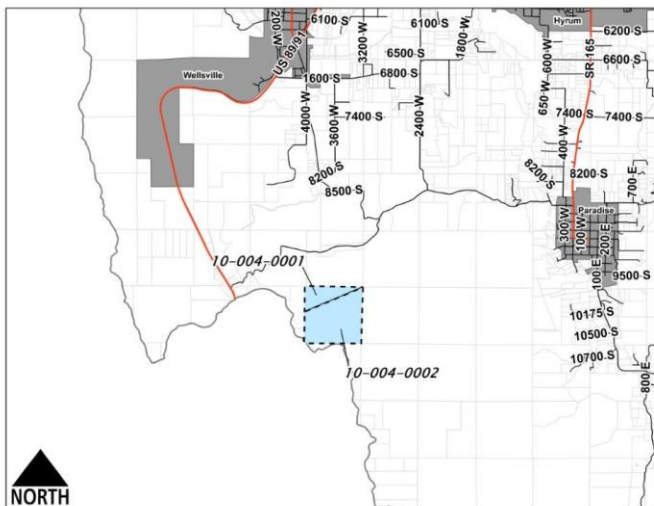
##### Surrounding Uses:

North – Forest Recreation

South – Forest Recreation

East – Forest Recreation

West – Forest Recreation



#### PROJECT PURPOSE, APPLICABLE ORDINANCE, SUMMARY, AND PUBLIC COMMENT

##### Purpose:

To review and make a decision regarding the request to add blasting to an existing permit.

##### Ordinance:

This proposed use is defined as “7400 Mineral Extraction” under Cache County Land Use Code §17.07.030 Definitions, and as per §17.09.030 Schedule of Uses by Zone, and is permitted as a conditional use in the Mineral Extraction and Excavation (ME) Overlay Zone only if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses. These procedures are detailed under §17.06.050 Conditional Uses and §17.06.050 [C].

**Summary:**

This application would amend the existing Pisgah Limestone Quarry conditional use permit issued on 14 December 2011 to include blasting in the master plan associated with the permit. All other aspects of the master plan and original permit remain the same, including the “rolling” nature of the quarry area and the estimated number of trucks per day.

The final paragraph of Section 3.2, “Implementation,” of the original master plan states, “Due to the brittle nature of the material being extracted, it is not anticipated that blasting will be required.” The staff report states, “If blasting is ever deemed necessary, the requested conditional use permit shall be revisited and revised.”

The applicant has requested to add blasting to Section 3.2 of the master plan. The applicant has supplied a typical blasting plan (Exhibit A) outlining a normal blasting operation. The specific details of each blasting “shot” will vary depending upon the geology of the material to be excavated. The size of the blasts will be governed by any applicable state and federal permits and regulations. The applicant has provided copies of their current federal licenses and permits. Cache County does not regulate blasting and relies on the Utah State Fire Marshall to issue a blasting permit; this permit must be provided by the applicant.

The quarry is a very remote site with very few nearby structures. The nearest man-made structures include a radio tower identified by the blasting company over 2000 feet away and the UDOT facility at the summit of the canyon over one mile away (within Box Elder County) while the nearest inhabited structure within Cache County is a home on parcel 10-056-0035 that is approximately two miles from the site. Federal regulations provide guidelines for mitigating vibration load to nearby structures and must be followed by the applicant.

**Access:**

- Access to the site from US 89/91 is provided by county road Mt. Pisgah Road and a private road owned and maintained by the applicant. Both roads meet county standards.
- Mt. Pisgah Road was upgraded as part of the original permit to the point of access for the private road and currently has a 24-foot gravel width.
- The private road was installed as part of the original permit with a width 26 feet of gravel with two-foot gravel shoulders.
- As the proposed amendment does not increase the levels of traffic evaluated as part of the original permit, this report adopts the findings and conditions of the previous permit in relation to access.

**Service & Maintenance:**

- Service and maintenance were addressed as part of the original permit. As the proposed amendment will not introduce new service-related impacts, no expansion of services or maintenance are needed.

**Public Notice and Comment:**

Public notice was posted online to the Utah Public Notice Website and the Cache County website on 21 April 2016. Notice was also published in the Herald Journal on 26 April 2016. Notices were mailed to all property owners within 300 feet of the subject property on 29 April 2016. At this time, no public comment regarding this proposal has been received by the Development Services Office.



## **STAFF DETERMINATION AND FINDINGS OF FACT (8)**

---

It is staff's determination that the request for an amendment to the Pisgah Limestone conditional use permit, located in the Mineral Extraction and Excavation (ME) Overlay Zone at 9800 South 3500 West with parcel numbers 10-004-0001 and 10-004-0002, is in conformance with the Cache County Code and should be approved. This determination is based on the findings of fact from the original permit, included here for reference, and the findings of fact identified for the proposed amendment to the permit.

### **Original Findings of Fact (5)**

1. The Pisgah Limestone Conditional Use Permit has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Pisgah Limestone Conditional Use Permit has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Pisgah Limestone Conditional Use Permit is issued in conformance with the Standards and Criteria for a Conditional Use within Title 17 of the Cache County Code.
4. The Pisgah Limestone Conditional Use Permit is compatible with the purpose of the existing Mineral Extraction and Excavation (ME) Zone.
5. The proposed private road to access the quarry and the proposed improvements to Mt. Pisgah road provide adequate capacity, or suitable levels of service for the proposed use.

### **New Findings of Fact (3)**

6. The Pisgah Limestone CUP 1<sup>st</sup> Amendment has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
7. The Pisgah Limestone CUP 1<sup>st</sup> Amendment has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Cache County Code and the requirements of various departments and agencies.
8. The Pisgah Limestone CUP 1<sup>st</sup> Amendment has been reviewed in conformance with §17.06.070 of the Cache County Code, Standards and Criteria for Conditional Use, and conforms to said title, pursuant to the conditions of approval.

## **CONDITIONS OF APPROVAL (14)**

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The following conditions are appurtenant to the existing property and must be accomplished prior to recordation or operation for the development to conform to the County Code and the requirements of county service providers. The conditions of approval from the original permit are included here for reference.

### **Original Conditions of Approval (11)**


1. Prior to the commencement of any site development activities or limestone or aggregate extraction on this site, the master plan, including a site plan, reclamation plan, drainage plan, stormwater pollution prevention plan, Hazardous Emergency Response Plan, and for the proposed private road, a dust suppression plan, shall be reviewed for compliance with applicable county ordinance by the County Engineer. The applicant shall pay the cost of any and all engineering reviews.
2. After approval of the site plan the approval shall be put in the form of a development agreement as required by §17.13.070 of the Cache County Code. The agreement shall include a legal description of the land, a copy of the conditional use permit, a copy of the approved

mineral extraction and excavation master plan, all final grading and slope for reclamation of the extraction operation that meets the requirements of Appendix J of the currently adopted International Building Code, a financial guarantee for the rehabilitation and reclamation, and other specific requirements, rights, and peculiarities pertinent to the project.

3. The private road shall meet all applicable requirements of the 2009 International Fire Code and any other applicable codes. The private road shall be a 26 foot wide drivable surface with 2 foot shoulders and a turnaround as approved by the Fire District shall be constructed at the end of the private road. No pull outs are required for this alternative, however, thinning of the vegetation is recommended. This private road shall be in place prior to commencement of mining activity.
4. The applicant shall submit plans for the private road to be reviewed for compliance with applicable county ordinance by the County Engineer. The applicant shall pay the cost of any and all engineering reviews.
5. The soil areas disturbed by the construction of the private road shall be planted with grasses exhibiting low flammability characteristics to stabilize the soil and reduce fire potential. Recommended species of grass include Crested Wheatgrass, Blue Fescue, and Rye grass.
6. The applicant shall comply with all requirements of the Division of Air Quality regarding air pollution and supply the County with a copy of the Pollution Plan (§17.13.060). The applicant shall report any findings back to the Planning Commission.
7. The applicant shall obtain an encroachment permit for any work done within the right of way of any county roads.
8. The applicant shall work with and obtain any necessary permits from UDOT in the widening of Mt. Pisgah Road at the intersection of Mt. Pisgah Road and Highway 89/91.
9. Prior to issuance of the conditional use permit the applicant shall obtain all necessary Federal, State, and local permits as required. The applicant shall submit copies of these permits to the Cache County Development Services office.
10. Hours of operation shall be held in compliance with those stated in §17.13.060 of the Cache County Code.
11. Any expansion of the approved conditional use or alteration of the master plan shall require review and approval by the County Planning Commission prior to the expansion.

#### **New Conditions of Approval (3)**

12. Prior to recordation, the applicant must provide an updated copy of the master plan, including the language for the blasting allowed by this permit, to the Development Services Department.
13. This amended permit is approved based on the traffic levels identified in the original master plan. Any increases in traffic beyond the levels in the master plan require a revision of the master plan and the approval of the Land Use Authority.
14. A copy of the Utah State Fire Marshall's blasting permit must be submitted to the Development Services Department.

		<b>BLAST PLANNING FORM</b>	
		PROJECT: Pisgah Stone Products.	

Blaster-in-Charge: Curtis Gurney		Planning Date:	
License No. : DOPL: 344280-5501	ATF: 9-UT-021-20-6E-00493	Planned Date of Blast: Ongoing	PM
Location: Pisgah Mountain	Bench: Multiple	Lots: N/A	
Rock Type(s) and Conditions: Fractured Limestone			
Type of Blast: Production	Average Bench Height: 40 - 50 (ft.)	Hole Diameter: 3.5 (in)	Holes Each Shot: Varies
Average Burden: 14 (ft.)	Average Spacing: 16 (ft.)	PRODUCTS: Amex Anfo, Excel Handitets, Excel Ctd, Pentex Boosters, Excel Lead in line. Fortel Pro D for wet holes.	
<b>Planned Design Summary</b>			
Volume Blasted: 10,000 - 20,000 per s	Pounds per hole: 150		
Powder Factor .4	Blast Location Stations: N/A		

Design and Inspection Checklist			
Item #	Type of Inspection:	Date:	Blaster-in-Charge:
1)	Pre-work blast bench inspection incl. Well evaluation and geological conditions from all view points -	Ongoing	Curtis Gurney
2)	Blasthole layout based on observed conditions and exposed rock faces and layout plan showing hole numbers has been given to the driller -	Ongoing	Curtis Gurney
3)	Inspect area for pipes, conduits or utilities requiring special protection -	N/A	Curtis Gurney
4)	Final review and approval of fully completed blast plan -	Ongoing	Curtis Gurney

Vibration & Overpressure Monitoring Plans		
Closest Control Structure: Radio Tower	Distance: 2000 + (ft.)	Max. Charge per 8-MS Delay: 1322 (lb.)
Scaled Distance: 55	Distance Method: GPS	Blast are monitored by an instatel mini mate plus seismograph
Planned Monitoring Locations:		NOTES:
1 Within 600 ft. from shot.		
2		
3		



**BEUS GILBERT**

**PLLC**

**ATTORNEYS AT LAW**

701 NORTH 44TH STREET  
PHOENIX, ARIZONA 85008-6504  
(480) 429-3000  
FAX (480) 429-3100

PATRICK E. SOVEREIGN  
DIRECT: (480) 429-3021

EMAIL: PSOVEREIGN@BEUSGILBERT.COM

75080-007

April 4, 2016

**VIA OVERNIGHT DELIVERY**

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

Re: Pisgah Grazing LLC

To Whom It May Concern:

Pisgah Grazing LLC is requesting a change in the Master Plan for the Proposed Mt. Pisgah Quarry, section 3.2. We are requesting a change to have the ability to blast.

Sincerely,

**BEUS GILBERT PLLC**

Patrick E. Sovereign



PES/cdf  
Enclosure

cc: Leo Beus (w/out attachment)

**MASTER PLAN**

---

**FOR THE**

**PROPOSED MT. PISGAH QUARRY**

LIMESTONE RESOURCE AREA

Nov 2,2011

PREPARED BY:

ALLIANCE CONSULTING ENGINEERS, INC  
150 EAST 200 NORTH SUITE P  
LOGAN, UTAH 84321  
(435) 755-5121

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### **4.0 STORM WATER MANAGEMENT, EROSION CONTROL AND POLLUTION PREVENTION**

### **5.0 RECLAMATION AND RESTORATION**

### **6.0 EMERGENCY MANAGEMENT PLAN**

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**OWNERSHIP MAP- Figure 2**

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**CROSS-SECTIONS/ RECLAMATION PLAN- Figure 7**



agriculture and as an acid neutralization agent by the chemical industry.

**Animal Feed Filler:** Chickens need calcium carbonate to produce strong egg shells so calcium carbonate is often offered to them as a dietary supplement in the form of "chicken grits". It is also added to the feed of some dairy cattle who must replace large amounts of calcium lost when the animal is milked.

**Mine Safety Dust:** Also known as "rock dust". Pulverized limestone is a white powder that can be sprayed onto exposed coal surfaces in an underground mine. This coating improves illumination and reduces the amount of coal dust that activity stirs up and releases into the air. This improves the air for breathing and it also reduces the explosion hazard produced by suspended particles of flammable coal dust in the air.

- Limestone has many other uses. Powdered limestone is used as a filler in paper, paint, rubber and plastics. Crushed limestone is used as a filter stone in on-site sewage disposal systems. Powdered limestone is also used as a sorbent (a substance that absorbs pollutants) at many coal-burning facilities.

Mineral extraction and shipping will be contracted to a local contractor. A local contractor employing 10-20 employees will operate a front end loader, haul trucks, excavator and a crusher/screener. It is anticipated that the limestone and aggregate will be removed and staged using an excavator, bulldozer, front end loader. Some of the material will need to be processed through a screen and/or crusher. Due to the brittle nature of the material being extracted, it is not anticipated that blasting will be required.

Section 3  
Mineral  
Extraction

JOB DESCRIPTION	NUMBER OF EMPLOYEES
Mineral extraction	4-5
Mineral processing	4-5
Shipping	8-12

Table 3.2- Employees required for 52,000 c.y. production.

#### 4.0 STORM WATER MANAGEMENT, EROSION CONTROL AND POLLUTION PREVENTION

The excavation of limestone, as a rock aggregate, is exempt from the "Utah Mined Land Reclamation Permitting Requirements" by the State of Utah, Department of Natural Resources.

The process will instead be regulated under the "Sand, Gravel and Rock Aggregate" definitions. As this type of an operation is ongoing, stabilization is not possible on all surfaces at all times. It will therefore be the responsibility of the operator to ensure all structures to control storm water will be in place and that all slopes are stabilized per the storm water regulations and required permits. Once finish grades are established, topsoil will be placed and the ground will be seeded.





### STAFF REPORT: CHERRY PEAK SKI AREA CUP 1<sup>ST</sup> AMENDMENT

5 May 2016

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:** John Chadwick

**Parcel ID#:** 18-054-0003

**Staff Determination:** Approval with conditions

18-054-0005

**Type of Action:** Administrative

18-054-0006

**Land Use Authority:** Cache County Planning Commission

18-057-0003

18-057-0017

### PROJECT LOCATION

*Reviewed by: Jacob Adams — Planner I*

#### Project Address:

3200 East 11000 North

Richmond, UT 84333

#### Current Zoning:

Agricultural (A10)

**Acres:** 240

#### Surrounding Uses:

North – Forest Recreation/USFS

South – Forest Recreation/DNR/USFS

East – Forest Recreation/USFS

West – Forest Recreation/DNR



### PROJECT PURPOSE, APPLICABLE ORDINANCE, SUMMARY, AND PUBLIC COMMENT

#### Purpose:

To review the request for an amendment to the original Cherry Peak Ski Area conditional use permit (Exhibit A) and make a decision regarding the request to add additional activities to the permit and make a minor adjustment to the boundary of the permit.

#### Ordinance:

Conditional Use Permits (CUPs) are governed by County Land Use Code §17.06.050 Conditional Uses in order to allow for special uses that may be essential or desirable but are not allowed as a matter of right.

5 May 2016



The original CUP for the Cherry Peak Ski Area was issued on 8 August 2013 in the Forest Recreation (FR40) Zone under the land use definition of “Resort.” At the time the original application was submitted, a Resort was a conditional use in this zone. Current County Code §17.09.030 Schedule of Uses by Zoning District now lists Resort as a conditional use in the Resort Recreation (RR) Zone and as a non-permitted use in the FR40 Zone.

While the original permit was issued under the Resort categorization, the proposed additions to the permit from this new application are better categorized as land use index 5100 Recreational Facility. The uses included in the original permit fall under the current definition of Ski Facility, part of index 5200 Resort, because they included the facilities and improvements associated with downhill skiing and other snow related activities. Changes to the County Code since the time of application for the initial permit have made Ski Facility-related activities legal non-conforming uses. A rezone to the Resort Recreational (RR) Zone would be required before any snow-related uses could be expanded.

Because this application does not include snow-related activities, the proposed uses are best categorized as index 5100 Recreational Facility. These uses are allowed as a conditional use in the current Forest Recreational (FR40) Zone. Therefore, this application is being considered as a conditional use as per County Code §17.07.030 Use Related Definitions and §17.090.030 Schedule of Uses by Zoning District.

**Summary:**

The master plan submitted as part of the original permit included several different uses with a phased implementation strategy. These uses were approved as part of the original permit and are included here for reference:

***Phase I: 0-2 years:***

- Roadway improvements
- Electrical, utility system
- Sewer system installation
- Lower parking lot (100 stalls)
- Skier lodge
- Mid-mountain water storage reservoir
- Tubing hill and warming hut
- Base area Lift A and Lift B
- Terrain park
- Wind fence
- Entry sign

***Phase II: 2-5 years:***

- Mid-mountain Lift C and Lift D
- Upper parking lot (200 stalls)
- Zip line
- Lower water storage reservoirs
- Ski patrol shack
- Maintenance facilities

This application requests approval for several summer-related activities (see letter of intent for more details):

- Weddings and receptions
- Lift-assisted mountain biking
- Concerts and dances
- Overnight youth campouts and other religious-group related activities
- Temporary waterslides
- Multiple zip lines
- Horseback riding
- Climbing wall(s)
- Frisbee golf

Any structures associated with these additional activities, including but not limited to zip line poles and platforms, require the review and approval of the zoning and building officials.

The original permit was evaluated based on a peak accommodation of 1,000 skiers a day. The uses proposed by this application are being evaluated based on this same level of activity to maintain consistency and validity of previous studies.

This application also makes minor modification to the boundary of the original permit due to the adjustment of the boundary between parcels 18-054-0005 and 18-057-0013. This adjustment does not place any of the approved, existing CUP activities outside the amended boundary.

***Access:***

- Access to the site was evaluated as part of the original permit based on a total of 1,000 persons, including visitors and employees. As a condition of the permit, the applicant was required to improve County road 11000 North from 1850 North to the site. These improvements were completed, and the road now has an average of 23 foot paved width with 3 foot gravel shoulders.
- The above noted improvements have not yet been accepted by the county as the one-year warranty period has not yet expired.
- Since the construction of 11000 North, portions of the roadway surface, base, shoulders, and drainage channels have failed. These failures have created hazard and safety issues. Any failed or damaged sections of roadway as noted must be repaired by the proponent prior to permit recordation.
- The county provides winter maintenance on 11000 North up to the site.
- No additional access studies are required for the proposed new uses based on the 1,000 person limit. Any event or activity exceeding this capacity will require further evaluation as part of a Special Event Permit.

***Water & Septic:***

- The original permit was approved based on an agreement between the applicant and Richmond City to provide culinary water from Richmond City to the site. This agreement satisfies the county requirement for proper water rights.
- The proposed mountain bike trails (see map accompanying the letter of intent) may impact storm water runoff from the mountainside. There is an existing SWPPP for the ski area. This SWPPP must be updated to reflect the noted changes and a copy submitted to the Development Services Department.
- Erosion control through revegetation on large portions of the disturbed areas has not been achieved. Revegetation of the disturbed slopes must be accomplished as identified in section 4.4 of the original SWPP, "Final Stabilization," prior to additional development; this includes (but is not limited to) the construction of mountain bike trails.

***Service Provision:***

- Provisions for waste management were addressed as part of the original permit and are adequate. No additional reviews are required for the proposed new uses based on the 1,000 person limit.
- The Cache County Fire District has stated that the access road to the site meets their minimum requirements and that water for fire protection is provided by Cherry Peak.

***Wildlife:***

- The County Code does not identify any important habitat areas within the proposed boundaries of the CUP. However, a wildlife study was previously prepared by Stantec Consulting Services

and reviewed by JUB Engineers, and the noted findings provide additional info regarding the site. The main impacts identified by this report related to winter habitat for large game; however, the report identifies several species who may be impacted by summer activities:

- The site is classified as crucial summer habitat for moose.
- Blue Grouse are likely to use areas within and adjacent to the site for summer habitat.
- Passerines may use the site for foraging, migration, and breeding during the spring and summer.
- Sharp-tailed Grouse may have breeding areas (leks) near the site.
- The report notes that disturbances to big game and birds may be less significant in the summer dependent upon the level of summer recreation. The proposed uses will increase the level of summer recreation.
- Notwithstanding the importance of following all the identified best practices and mitigation strategies outlined in the Stantec report and JUB review, several are especially applicable to the proposed summer uses:
  - “Develop off-road vehicle policies (i.e., snowmobile, dirt bikes) that consider the protection of wildlife and wildlife habitats.”
  - “Avoid physically disturbing breeding activity from March through June within 0.8 miles of an active lek [Sharp-tailed Grouse breeding area]. Disruptive activities include loud noises and recreation.”
  - “Where feasible, the proposed ski trails should utilize the existing forest openings, which will minimize the need for forest clearing and grading.”
  - “[V]egitative re-establishment should be implemented immediately post clearing and grading.”
  - “The project designs should provide at least two intact migration corridors to facilitate wildlife movement across the project action area in an east-west oriented manner.”
  - “During construction, clearly mark clearing and grading limits with flagging, stakes, construction fencing, or other methods to ensure that habitat alteration is minimized.”
  - “During construction, all work should be completed during daylight hours.”
  - “Temporary Erosion Controls (TECs) (i.e. silt fences, silt curtains) should be implemented according to the final construction designs, specifically nearest the two aforementioned ephemeral streams.”

#### **Public Notice and Comment:**

Public notice was posted online to the Utah Public Notice Website and the Cache County website on 21 April 2016. Notice was also published in the Herald Journal on 26 April 2016. Notices were mailed to all property owners within 300 feet of the subject property on 29 April 2016. At this time, no public comment regarding this proposal has been received by the Development Services Office.

#### **STAFF DETERMINATION AND FINDINGS OF FACT (7)**

It is staff's determination that the request for an amended conditional use permit for the Cherry Peak Ski Area, located in the Forest Recreation (FR40) Zone at 3200 East 11000 North with parcel numbers 18-054-0003, 18-054-0005, 18-054-0006, 18-057-0003, and 18-057-0017 is in conformance with the Cache County Code and should be approved. This determination is based on the findings of fact from the original permit, included here for reference, and the findings of fact identified for the proposed amendment to the permit.



### **Original Findings of Fact (3)**

1. The Cherry Peak Ski Area Master Plan Conditional Use Permit has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Cherry Peak Ski Area Master Plan Conditional Use Permit has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Cherry Peak Ski Area Master Plan Conditional Use Permit has been reviewed in conformance with §17.06.070 of the Cache County Ordinance, Standards and Criteria for Conditional Use, and conforms to said title, pursuant to the conditions of approval, as follows:
  - a. The use applied for at the location proposed is necessary or desirable to provide a facility that will contribute to the general well being of the area and the county.
  - b. The proposed use is compatible with the intent, function and policies established in the Cache countywide comprehensive plan.
  - c. The proposed use is compatible with the character of the site, adjacent properties and other existing and proposed development.
  - d. The availability of, or ability to provide adequate services, drainage, parking and loading space, fire protection, and safe transportation access and vehicular circulation has been assessed and deemed adequate.
  - e. The use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

### **New Findings of Fact (4)**

4. The Cherry Peak Ski Area CUP 1<sup>st</sup> Amendment has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
5. The Cherry Peak Ski Area CUP 1<sup>st</sup> Amendment has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Cache County Code and the requirements of various departments and agencies.
6. The Cherry Peak Ski Area CUP 1<sup>st</sup> Amendment has been reviewed in conformance with §17.06.070 of the Cache County Code, Standards and Criteria for Conditional Use, and conforms to said title, pursuant to the conditions of approval.
7. The proposed additional uses, limited to a maximum level of 1,000 visitors, will not have impacts that extend beyond those identified in the original conditional use permit.

### **CONDITIONS OF APPROVAL (22)**

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The following conditions are appurtenant to the existing property and must be accomplished to conform to the County Code and the requirements of county service providers. The conditions of approval from the original permit are included here for reference.

### **Original Conditions of Approval (18)**

1. The applicant must abide by the master plan and construction specifications as submitted to the Cache County Development Services Office, and all presentations made by the applicant or applicant's representative to the Planning Commission during the permitting process.

2. Any further expansion or modification of the facility, site, or of the business shall require a review by the Land Use Authority and shall meet the requirements of the Cache County Ordinance including necessary permits.
3. The properties with parcel ID#'s 18-057-0011, 18-057-0012, 18-057-0013, and 18-057-0016 are illegal, restricted parcels and must be recombined prior to recordation of the permit.
4. As proposed by the applicant, and with the review and approval of Cache County, the property owner may make provision for an alternate access to the existing trailhead to the Mount Naomi Wilderness Area prior to commencement of operations as follows:
  - a. The property owner shall dedicate to Cache County a 66 foot wide right-of-way for the alternate access and shall provide a mountain road in compliance with Cache County road standards.
  - b. Abandonment or relocation of any and all County rights-of-way must be approved by the Cache County Council.
  - c. No ski runs or lifts shall be permitted to cross Cache County rights-of-way.
5. Prior to recordation, a ski area boundary management plan and an avalanche control plan shall be submitted, reviewed, and approved by the Development Services Office.
6. Prior to recordation, evidence of adequate, approved, domestic water rights, or connection to the Richmond City culinary water system shall be provided for all culinary and sanitation uses for the permitted use.
7. A copy of any State required approvals and permits concerning a change of use for snowmaking must be submitted to the Development Services Office prior to the commencement of snowmaking operations.
8. In compliance with §17.05.130 [B] of the Cache County Ordinance, the applicant shall be required to provide a sewage/septic system off-site and/or outside of the boundaries of zones 1 and 2 of the identified water source protection area, provide an alternative sewage treatment facility that complies with local and state regulations, or connect to the Richmond City sewer system.
9. Approval from the Utah Division of Drinking Water for the culinary water system must be obtained and a copy of the approval must be submitted to the Development Services Office.
10. As proposed by the applicant, and with the review and approval of the Cache County Engineer, the existing substandard sections of County Road 11000 North shall be improved as follows:
  - a. The intersection of 11000 North and 1850 East to the proposed site shall be widened to a minimum width of 20 feet with a 2 foot shoulder (typical) and a 1 foot shoulder in areas where a 2 foot shoulder is not possible (between the stream bed and steep slope); A minimum roadway surface width of 22-24 feet.
  - b. A minimum pavement width of 22 feet and a minimum pavement type of a double chip seal surface, in conformance with the Cache County Roadway Design and Construction Standards manual, or as approved by the County Engineer
  - c. The grade at the intersection of 11000 North and 1850 East shall be adjusted to correct the rutting and super elevation.
11. The applicant shall provide MUTCD compliant signage on 11000 North at the west property line of the ski area and on 9800 North at the entrance to the shooting range, and shall address the safety issue of shooting on or towards the ski area property. The actual language for the signs shall be submitted to the Cache County Development Services Office for review and approval.

12. Prior to the commencement of any site development activities, the applicant shall:
  - a. Secure all necessary rights-of-way and easements for all proposed construction, infrastructure, utilities, and operational activities. This includes any and all rights-of-way on the road providing access. Evidence of necessary, recorded rights-of-way and easements must be submitted to the Development Services Office.
  - b. Obtain an encroachment permit and submit engineered plans for all roadway improvements, site grading, and drainage to Cache County for review and approval.
  - c. Contact the Utah Division of Air Quality (DAQ) and meet the requirements of the Utah DAQ. A copy of any requirements or permits must be submitted to the Development Services Office.
  - d. Provide a list of best management practices to be applied in all planning, design, construction, and post construction activities surrounding the Cherry Peak riparian corridor, and that shall at a minimum include pollution and sediment prevention, and spill detection and elimination.
  - e. Provide a detailed erosion control plan that identifies best management practices for erosion control from construction activities and pollution prevention from the site.
  - f. In coordination with the North Cache Conservation District and/or DWR, provide a list that identifies the plant species suitable as forage for big game that will be used in the revegetation of all impacted woodland and other areas, and also identifies the vegetation suitable to the location for the reseedling of all impacted montane/subalpine grasslands.
13. A Zoning Clearance and all other applicable department reviews shall be obtained by the property owner prior to any construction or the placement of any structures on the subject parcel.
14. The applicant shall work with Richmond City in identifying and signing the most appropriate route for traffic to and from the ski area.
15. Construction of all buildings shall be in a manner, location, and color scheme appropriate to the scenic quality of the area as approved by the Cache County Zoning Administrator.
16. Each proposed building must be reviewed by the Cache County Fire District prior to construction to confirm that the minimum requirements of the most current adopted editions of the International Fire Code and Wildland Urban Interface Code have been met.
17. All outdoor lighting of the ski area shall be down lit and dark sky compliant and shall be fully shielded and oriented toward the slopes at the appropriate height to reduce glare and mitigate light trespass to surrounding properties. Additionally, lighting should be placed to avoid migration corridors (Exhibit B [not included]). The applicant shall submit a lighting plan to be reviewed and approved by the Cache County Zoning Administrator.
18. In addition to the items identified as mitigation for impacts and the stated best management practices (BMPs) in the Cherry Peak Ski Area Master Plan, all items addressed in the review conducted by JUB of the Stantec wildlife study (Exhibit A [not included]) shall be incorporated into the final master plan. A completed final master plan shall be submitted that contains and reflects all submittals, measures for mitigation of impacts, and BMP's to be reviewed and approved by the Cache County Zoning Administrator.

#### **New Conditions of Approval (4)**

19. Prior to recordation, any failed or damaged sections of 11000 North, including the roadway surface, base, shoulders, and drainage channels, must be repaired by the proponent. An encroachment permit is required for any work in the county right-of-way.



- 20.** Prior to recordation, an updated SWPPP must be provided by the applicant to the Development Services Department.
- 21.** Prior to development activities, and in order to provide adequate erosion control, the applicant must revegetate slopes that have yet to achieve adequate levels of revegetation as per section 4.4 of the original SWPPP.
- 22.** A Cache County Special Event Permit must be obtained for any event or activity where more than 1,000 persons, including visitors and employees, are at the site.

**CONDITIONAL USE PERMIT** (This permit does not give clearance for a Building Permit.)

Receipt # 5939

*LEGAL DESCRIPTIONS ATTACHED*

Ent 1092681 Bk 1780 Pg 322

Date: 8-Aug-2013 10:48 AM Fee \$22.00

Cache County, UT

Michael Gleed, Rec. - Filed By JA

For JOHN CHADWICK

**PURPOSE**

To allow a ski and recreation area and associated uses as identified in the master plan.

**PROJECT NAME:** Cherry Peak Ski Area**PROJECT ADDRESS:** 3200 East 11000 North**OWNER NAME:**

Duane G. & Patricia Daines Chadwick,  
Kristopher George & Elaine S. Daines CO,  
Mathew R. Daines,  
Kristopher G. Daines,  
Elaine S. Daines TR,  
Elaine S. & Jonathan H. Daines TR,  
Cherry Peak Recreational Reserve, LLC

**AGENT'S NAME:**

John Chadwick or Logan Checketts

**APPROVAL DATE:** 02 February 2012**TAX #:** 18-057-0003, 18-057-0017,

18-054-0003, 18-054-0005, and 18-054-0006

**ZONE:** Forest Recreation (FR40)**ACRES:** 245.72**CONDITIONS OF APPROVAL (17)**

1. The applicant must abide by the master plan and construction specifications as submitted to the Cache County Development Services Office, and all presentations made by the applicant or applicant's representative to the Planning Commission during the permitting process.
2. Any further expansion or modification of the facility, site, or of the business shall require a review by the Land Use Authority and shall meet the requirements of the Cache County Ordinance including necessary permits.
3. As proposed by the applicant, and with the review and approval of Cache County, the property owner may make provision for an alternate access to the existing trailhead to the Mount Naomi Wilderness Area prior to commencement of operations as follows:
  - a. The property owner shall dedicate to Cache County a 66 foot wide right-of-way for the alternate access and shall provide a mountain road in compliance with Cache County road standards.
  - b. Abandonment or relocation of any and all County rights-of-way must be approved by the Cache County Council.
  - c. No ski runs or lifts shall be permitted to cross Cache County rights-of-way.
4. Prior to recordation, a ski area boundary management plan and an avalanche control plan shall be submitted, reviewed, and approved by the Development Services Office.

5. Prior to recordation, evidence of adequate, approved, domestic water rights, or connection to the Richmond City culinary water system shall provided for all culinary and sanitation uses for the permitted use.
6. A copy of any State required approvals and permits concerning a change of use for snowmaking must be submitted to the Development Services Office prior to the commencement of snowmaking operations.
7. In compliance with §17.05.130 [B] of the Cache County Ordinance, the applicant shall be required to provide a sewage/septic system off-site and/or outside of the boundaries of zones 1 and 2 of the identified water source protection area, provide an alternative sewage treatment facility that complies with local and state regulations, or connect to the Richmond City sewer system.
8. Approval from the Utah Division of Drinking Water for the culinary water system must be obtained and a copy of the approval must be submitted to the Development Services Office.
9. As proposed by the applicant, and with the review and approval of the Cache County Engineer, the existing substandard sections of County Road 11000 North shall be improved as follows:
  - a. The intersection of 11000 North and 1850 East to the proposed site shall be widened to a minimum width of 20 feet with a 2 foot shoulder (typical) and a 1 foot shoulder in areas where a 2 foot shoulder is not possible (between the stream bed and steep slope); A minimum roadway surface width of 22-24 feet.
  - b. A minimum pavement width of 22 feet and a minimum pavement type of a double chip seal surface, in conformance with the Cache County Roadway Design and Construction Standards manual, or as approved by the County Engineer
  - c. The grade at the intersection of 11000 North and 1850 East shall be adjusted to correct the rutting and super elevation.
10. The applicant shall provide MUTCD compliant signage on 11000 North at the west property line of the ski area and on 9800 North at the entrance to the shooting range, and shall address the safety issue of shooting on or towards the ski area property. The actual language for the signs shall be submitted to the Cache County Development Services Office for review and approval.
11. Prior to the commencement of any site development activities, the applicant shall:
  - a. Secure all necessary rights-of-way and easements for all proposed construction, infrastructure, utilities, and operational activities. This includes any and all rights-of-way on the road providing access. Evidence of necessary, recorded rights-of-way and easements must be submitted to the Development Services Office.
  - b. Obtain an encroachment permit and submit engineered plans for all roadway improvements, site grading, and drainage to Cache County for review and approval.
  - c. Contact the Utah Division of Air Quality (DAQ) and meet the requirements of the Utah DAQ. A copy of any requirements or permits must be submitted to the Development Services Office.
  - d. Provide a list of best management practices to be applied in all planning, design, construction, and post construction activities surrounding the Cherry Peak riparian corridor, and that shall at a minimum include pollution and sediment prevention, and spill detection and elimination.
  - e. Provide a detailed erosion control plan that identifies best management practices for erosion control from construction activities and pollution prevention from the site.
  - f. In coordination with the North Cache Conservation District and/or DWR, provide a list that identifies the plant species suitable as forage for big game that will be used in the revegetation of all impacted woodland and other areas, and also identifies the vegetation suitable to the location for the reseeding of all impacted montane/subalpine grasslands.
12. A Zoning Clearance and all other applicable department reviews shall be obtained by the property owner prior to any construction or the placement of any structures on the subject parcel.
13. The applicant shall work with Richmond City in identifying and signing the most appropriate route for traffic to and from the ski area.
14. Construction of all buildings shall be in a manner, location, and color scheme appropriate to the scenic quality of the area as approved by the Cache County Zoning Administrator.
15. Each proposed building must be reviewed by the Cache County Fire District prior to construction to confirm that the minimum requirements of the most current adopted editions of the International Fire Code and Wildland Urban Interface Code have been met.




16. All outdoor lighting of the ski area shall be down lit and dark sky compliant and shall be fully shielded and oriented toward the slopes at the appropriate height to reduce glare and mitigate light trespass to surrounding properties. Additionally, lighting should be placed to avoid migration corridors (Exhibit B). The applicant shall submit a lighting plan to be reviewed and approved by the Cache County Zoning Administrator.
17. In addition to the items identified as mitigation for impacts and the stated best management practices (BMPs) in the Cherry Peak Ski Area Master Plan, all items addressed in the review conducted by JUB of the Stantec wildlife study shall be incorporated into the final master plan. A completed final master plan shall be submitted that contains and reflects all submittals, measures for mitigation of impacts, and BMP's to be reviewed and approved by the Cache County Zoning Administrator.

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

**Expiration:** This conditional use permit shall expire and be null and void 18 months from the District Court decision date (07 March 2013) unless:

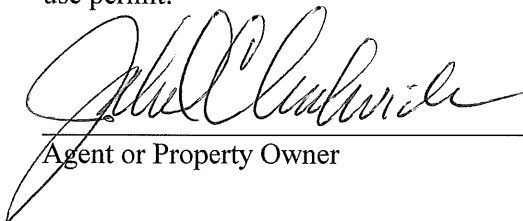
1. A County Building Permit has been issued and remains in force until the completion of the approved project;
2. A County Business License is issued and remains current for the approved commercial business;
3. Substantial work shall have been accomplished towards the completion of the approved project.

  
 Director of Development Services      8/8/2013  
 Date

Ent 1092681 Bk 1780 Pg 324

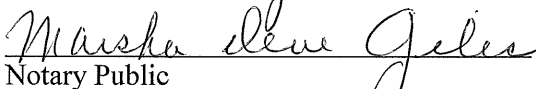
### AGREEMENT OF ACCEPTANCE

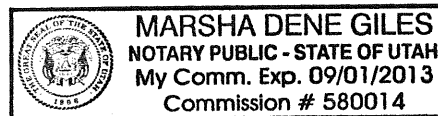
I have read, understand and agree to comply with the Land Use Ordinance and the terms of this permit. I realize that in order to do any construction on the property, I will be required to obtain a County Building Permit and that I will need to meet the standards of Cache County for any improvements. I agree to reimburse Cache County for any costs of enforcement including reasonable attorney fees, and/or any other costs of enforcement incurred by Cache County resulting from my failure to comply with the Land Use Ordinance and the terms of this conditional use permit.

  
 Agent or Property Owner      8/8/2013  
 Date

STATE OF UTAH      )  
                                       )  
 COUNTY OF CACHE    )

Sworn to and subscribed to before me this

8 day of August, 2013.  
  
 Notary Public



**LEGAL DESCRIPTION(S)**

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**18-057-0003:**

LOT 1 CHERRY CREEK CANYON SUBDIVISION CONT 41.90 AC M/B  
SUBJ TO 30 FT ACCESS EASEMENT FOR LT 2 AS PER PLAT  
SIT SEC 20 & 29 T 14N R 2E

**18-057-0017:**

LOT 2 CHERRY CREEK CANYON SUBD CONT 40.03 AC  
WITH A 30 FT ACCESS EASEMENT ACROSS LOT 1 SD SUBD AS PER PLAT  
SIT SEC 20 & 29 T 14N R 2E

**18-054-0003:**

LOT 3 CHERRY CREEK CANYON SUBDIVISION CONT 41.86 AC M/B  
SIT SEC 20 & 29 T 14N R 2E  
SUBJ TO 20 FT EASEMENT 10 FT ON EACH SIDE OF CL OF EXISTING ROAD BEG 2454.8 FT S OF  
NW COR SEC 29 T 14N R 2E & TH E'LY TO E BNDRY OF ABOVE PARCEL ENT 823063 BK 1224 PG  
813

**18-054-0005:**

THE E 320 FT OF SW/4 OF SW/4 SEC 20 T 14N R 2E CONT 9.70 AC  
ALSO: BEG 1000 FT E & 321 FT N OF SW COR SEC 29 T 14N R 2E & TH N 4959 FT TH E 320 FT TH S  
1320 FT TH E 180 FT TH S 1320 FT TH W 180 FT TH S 1320 FT TH E 660 FT TH S 999 FT TH W 980 FT  
TO BEG CONT 57.02 AC  
ALSO: BEG 1980 FT E & 321 FT N OF SW COR OF SEC 29 T 14N R 2E & TH E 660 FT TH N 999 FT TH  
W 660 FT TH S 999 FT TO BEG CONT 15.14 AC CONT 81.86 AC IN ALL

**18-054-0006:**

LOT 4 CHERRY CREEK CANYON SUBDIVISION CONT 40.07 AC M/B  
SIT SEC 20 & 29 T 14N R 2E  
SUBJ TO 20 FT EASEMENT 10 FT ON EACH SIDE OF CL OF EXISTING ROAD BEG 2454.8 FT S OF  
NW COR SEC 29 T 14N R 2E & TH E'LY TO E BNDRY OF ABOVE PARCEL ENT 823063 BK 1224 PG  
813

Ent 1092681 Bk 1780 Pg 325

We at Cherry Peak Resort would like to add clarity to what we have the authority to do at the Resort.

Our original Master Plan did not explain every single activity that might be conducted at the resort and we would like to explain in more detail. Our assumption was that normal ski resort activities would be allowed.

To avoid any potential misunderstandings we would like to add the following to the list of resort activities.

1. Weddings and Receptions: The third floor of the lodge is a perfect wedding and reception room. No additional restroom facilities or parking are needed.
2. Lift assisted mountain biking. Most ski resorts do mountain biking in the summer months and we have always had it part of our plans. It is unclear if we need to ask permission to conduct the business or if it is just part of the other summer activities that are referenced in the original C.U.P. The trails for the mountain biking will utilize existing service roads and additional trails that we will prepare. The width of additional trails will range from 1 to 4 feet. The banks will immediately be planted with vegetation and the trails will initially have water bars every 100 feet or so until vegetation is established. Any water will be diverted into areas that are suitable to avoid erosion. The actual trails will be used to reduce erosion until complete new vegetation has been established. The areas where the trails are planned are in areas where complete vegetation is already established. See the google earth image for the location of these mountain bike trails. The majority of the trails will be hand dug. Mini excavation equipment will only be used where hand digging is not possible. i.e. Rocky Areas. The current storm water protection plan is being extended and will continue until all re-vegetation has been completed. The Resort has been in contact with Brad Povey for storm water and he is happy with our plan to re seed and vegetate the trails.
3. Concerts and dances are other activities that we would like to add on a regular basis. These concerts and dances would take place either in or outside the lodge. Parking will be either on site or off site with bussing to the resort for the larger concerts. If we need onsite overflow parking it will take place along the abandoned county road with runs to the east of the lodge. See attached google image. There are water fire hydrants on the lawn area where people will be seating for concerts and other activities. Four fire extinguishers are being placed in the areas recommended by Fire Chief Jason Winn. Three on light poles and one on the front porch. The outside seating is on the east and south lawn. We have adequate restrooms for any event that we might have including 8 restrooms which include 17 toilets and 6 urinals.
4. Many church groups have asked to have youth activities or conferences. They would be sleeping outside on the lawn and will use the lodge for bathroom facilities, food and programs. No overnight lodging will occur inside the lodge. The same arrangement could be used for reunions.

5. A plastic water slide area along the tubing hill area is also part of the summer fun activities. The water slides have no significant depth but have only enough water to create slippery surface on the plastic.. These do not require any construction but the plastic is simply laid out on the lawn. It will be moved often so that it will not kill the lawn.

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Our regular ski patrol will be used for medical for mountain biking and for concerts and dances. Brady Hansen is a Logan City Batalian Chief and is the director of our ski patrol.

Other anticipated activities in the future may include multiple zip lines, horseback riding, climbing wall, frisby golf to name a few.

Timing of improvements of additional improvements: May-July 2016 mountain bike trails and seeding

May 2016 lay plastic for red neck water slide

Additional improvement timing unknown at this time.

John Chadwick

CEO Cherry Peak Resort LLC



