PLANNING COMMISSION AGENDA | 01 DECEMBER 2016



199 NORTH MAIN, LOGAN, UTAH | HISTORIC COURTHOUSE COUNCIL CHAMBERS

4:45 p.m.

Workshop in the County Council Chambers.

5:30 p.m.

Call to order
Opening remarks/Pledge – Brady Christensen
Review and approval of agenda.
Review and approval of the minutes of the 03 November 2016 meeting.

5:35 p.m.

Consent Items

- **1. Phoebe Meadow Subdivision 1**st **Amendment** A request for a recommendation of approval to the County Council for a subdivision amendment to amend Lot 3 and add and divide parcel number 01-087-0006 to create two additional residential lots, Lots 4 and 5, located at 7909 South 400 West, Paradise, in the Agricultural (A10) Zone.
- **2. Dee Petersen Subdivision** A request for a recommendation of approval to the County Council for a two-lot subdivision with an agricultural remainder on 14.6 acres of land located at 450 East 11600 North, west of Richmond, in the Agricultural (A10) Zone.

Regular Action Items

3. Public Hearing (5:45 PM): Nixon & Nixon, Inc. Rezone — A request for a recommendation of approval to the County Council for a rezone of 72.90 acres of property at approximately 6500 North 800 East, north of Smithfield, to add the Mineral Extraction and Excavation (ME) Overlay Zone to an existing Agricultural (A10) Zone.

PHONE: (435) 755-1640 FAX: (435) 755-1987

EMAIL: devservices@cachecounty.org

WEB: www.cachecounty.org/devserv

- **4. Discussion:** 17.23 Sign Standards
- **5.** 2017 Meeting Dates and Application Deadlines

Board Member Reports
Staff reports
Adjourn



Building | Surveying | Engineering | GIS | Planning & Zoning | Roads | Weeds

PLANNING COMMISSION MINUTES	03 November 2016
<u>Item</u>	<u>Page</u>
Consent items	
1. Maple Fields Subdivision	2
Regular Action Items	
2. Hansen 400 West Subdivision	2
Discussion	
3. 17.23 Sign Standards	3

1 2	Present: Angie Zetterquist, Chris Harrild, Josh Runhaar, Megan Izatt, Brady Christensen, Rob Smith, Phillip Olsen, Lane Parker, Jason Watterson, Lee Edwards
3 4	Start Time: 05:32:00
5 6 7	Smith welcomed and Olsen gave opening remarks
8 9	05:33:00
10 11	<u>Agenda</u>
12 13	Approved with no changes.
14 15	Minutes
16 17	Christensen motioned to approve the minutes; Olsen seconded; Passed 4, 0.
18 19	05:34:000
20 21 22	Consent Items #1 Maple Fields Subdivision (Duane Williams)
23 24 25 26	Mr. Duane Williams is requesting a recommendation of approval to the County Council for a three-lot subdivision with an agricultural remainder on 7.55 acres of property at 1100 West 6600 North, west of Smithfield, in the Agricultural (A10) Zone.
27 28 29	Duane Williams I am the proponent for this and in favor of this project and the next project on the agenda.
30 31 32	Christensen motioned to approve the Maple Fields Subdivision with the 28 findings of fact, 6 conditions, and 3 conclusions; Parker seconded; Passed 4, 0.
33 34	05:37:00
35 36 37	Regular Action Items #2 Hansen 400 West Subdivision (Gary Hansen)
38 39	Harrild reviewed the staff report for the Hansen 400 West Subdivision.
40 41	05:40:00
42 43	Watterson arrived.
44 45	Staff and Commission discussed the needed road improvements for the Hansen subdivision.
46 47 48	Mr. Gary Hansen I am the property owner. The power lines are right at the road on the west side and that's the reason for the request to move it to the east a little bit.
49 50	The width of the dedicated right of way was discussed.
51	Olsen are you satisfied with what staff is asking you to do?

1
2
3

Mr. Hansen if I do this, is the county going to follow through on their road situations around there that are just as narrow if not narrower or more hazardous?

Runhaar we are working towards that.

Smith the other thing to note is that regulations and requirements change over time so in the future we can't say that the same requirements will be required.

Danny Hansen I live on the south edge of this. We built our house last year and we are for this. The way the road is now, I would hate to that road go wider for a temporary situation. This road is going to be narrow and then flare our and then go narrow again and that seems like a safety issue. I would like to see the road stay the way it is rather than have a temporary widening.

Olsen motioned to recommend approval to the County Council for the Hansen 400 West Subdivision the

stated findings of fact, conditions, and conclusions; Watterson seconded; Passed 5, 0.

05:57:00

<u>Discussion – 17.23 Sign Standards</u>

Harrild briefed the Commission on the changes to Title 17.23 Sign Standards. Staff will have a draft code for the next scheduled meeting.

06:25:00

Staff Report

Harrild informed the Commission of a change to constrict the Cherry Peak's CUP's boundary which will be handled administratively at the Commission's direction. The Commission asked staff to review and act on the boundary change.

06:32:00

Adjourned



BUILDING | SURVEYING | ENGINEERING | GIS | PLANNING & ZONING | ROADS | WEEDS

STAFF REPORT: PHOEBE MEADOWS SUB. 1ST AMEND.

1 December 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: James Fournier Parcel ID#: 01-087-0005

Staff Determination: Approval with Conditions 01-087-0006

Type of Action: Administrative

Land Use Authority: County Council

LOCATION Reviewed by: Angie Zetterquist, Planner

Project Address:

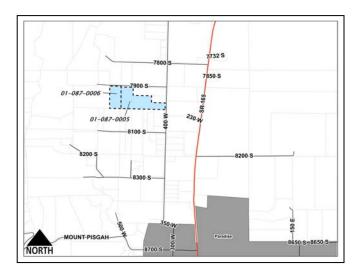
7909 South 400 West Paradise, UT 84328 Current Zoning:

Current Zoning: Acres: 17.95

Agricultural (A10)

Surrounding Uses:

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





FINDINGS OF FACT (26)

Summary

- 1. A request to amend the size and configuration of Lot 3, to amend the subdivision boundary to include parcel 01-087-0006, and to divide parcel 01-087-0006, a 1970 parcel, to create two additional residential lots; Lot 4 at 5.50 acres and Lot 5 at 10.45 acres.
- **2.** The original 3-lot subdivision was approved in September 2016.
- **3.** Lot 1 (7925 South 400 West, 5.50 acres) and Lot 2 (7957 South 400 West, 2.0 acres) will remain unchanged from the original subdivision.

Ordinance—§12.02.010, §17.02.060, §17.10.030 [A]

- **4.** As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
- 5. The parent parcel for the original subdivision, parcel number 01-087-0005 (20.5 acres), and the new parcel that will be added through the proposed subdivision amendment, parcel number 01-

1 December 2016 Page 1 of 3

- 087-0006 (5.25 acres), are considered 1970 parcels as per the Policy for Determination of Parcel Legality dated 29 August 2013.
- **6.** As 1970 parcels, the first three lots may be divided at a density of two acres per unit while subsequent lots may be divided at ten acres per unit. Based on this calculation, the parcel being added to the subdivision yields a maximum density potential of 2 developable lots.
- 7. The original subdivision approved on parcel number 01-087-0005 (20.5 acres) in September 2016 was for a 3-lot subdivision and cannot be divided further.
- **8.** §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.

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

- **9.** The Road Manual specifies the following:
 - **a.** Local Road: Roads with more than 30 ADT. This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements, may provide access to proposed commercial or industrial development.
 - **b.** Local Roads must meet the minimum standard of two, 10-foot wide paved travel lanes with 2-foot wide shoulders: 1-foot paved, 1-foot gravel (24 feet total width), 14-inches depth of granular borrow, a 6-inches depth of road base, 2.5-inches of bituminous surface course (asphalt), and a 66-foot wide right-of-way (ROW).
- 10. The access for all lots in the proposed subdivision amendment, 400 West, consists of an approximately 21-foot wide paved width with 2-foot wide gravel shoulders. *See conclusion* #2.
 - **a.** The existing home on the previously approved Lot 1 had access from 7900 South. However, as part of the original subdivision approval, the applicant determined to close this access and create a new access from 400 West.
 - **b.** Access to the previously approved Lots 1 & 2 and the proposed amended Lot 3 is directly off of 400 West.
 - **c.** The two proposed lots, Lots 4 & 5, will have access off of 400 West by way of a 33-foot ingress/egress/utility easement along the southern subdivision boundary.
 - **d.** The county provides year round maintenance on 400 West.
- **11.** Lot 3 (7989 South 400 West) will be amended and will be reduced in size from 12.86 acres to 2.0 acres.
- **12.** Amended Lot 3 will front on 400 West and the two new lots (Lots 4 & 5) will have access off of 400 West by way of a 33-foot ingress/egress/utility easement along the south subdivision boundary across Lot 4. *See condition #3*.
- **13.** 400 West meets the minimum access and maintenance requirements with the exception of paved width.
 - **a.** Additionally, the County Public Works Inspector has identified the need for an 18-inch culvert pipe for access points along 400 West.
- **14.** Consideration and evaluation of a design exception to the Road Manual standards requires full justification and documentation explaining the reasoning as to why the roadway standards cannot be met, why an alternative design or construction method can meet the intent of the roadway standards, and including any other relevant information. *See conclusion #2.*

Water & Septic—16.040.0070, 16.04.080 [A] & [B]

15. The applicant has approved domestic use water rights in place for all five lots of the proposed amended subdivision.

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- **16.** Lot 1 has an existing home and septic system that Bear River Health Department has determined is adequate and contained on the lot. For Lots 2-5, Bear River Health Department has provided a septic system feasibility letter indicating that each lot is feasible for an onsite wastewater system.
- 17. If future development disturbs land area greater than 5,000 sf., a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan are required. *See condition #4*.

Service Provision—16.04.080 [C], [D], [F], Road Manual 2.7-D

- 18. Residential refuse and recycling containers for Lots 1-5, must be placed on 400 West for Wednesday collection. A gravel pad of sufficient space for the waste containers is required to safely locate containers outside of travel lanes. See condition #3.
- 19. School bus service will be provided through a stop at 7900 South 400 West.
- **20.** 400 West and 7900 South meet the requirements of the County Fire District.
- 21. Water supply for fire suppression is provided by the Paradise Fire Department.

Public Notice and Comment—17.02.040

- 22. Public notice was posted online to the Utah Public Notice Website on 8 November 2016.
- 23. Notice was published in the Herald Journal on 20 November 2016.
- **24.** Notices were posted in three public places on 17 November 2016.
- **25.** Notices were mailed to all property owners within 300 feet of the subject property on 7 November 2016
- **26.** At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (4)

These conditions are based on the Cache County Subdivision and Land Use Ordinances, Road Manual, and on the findings of fact as noted herein.

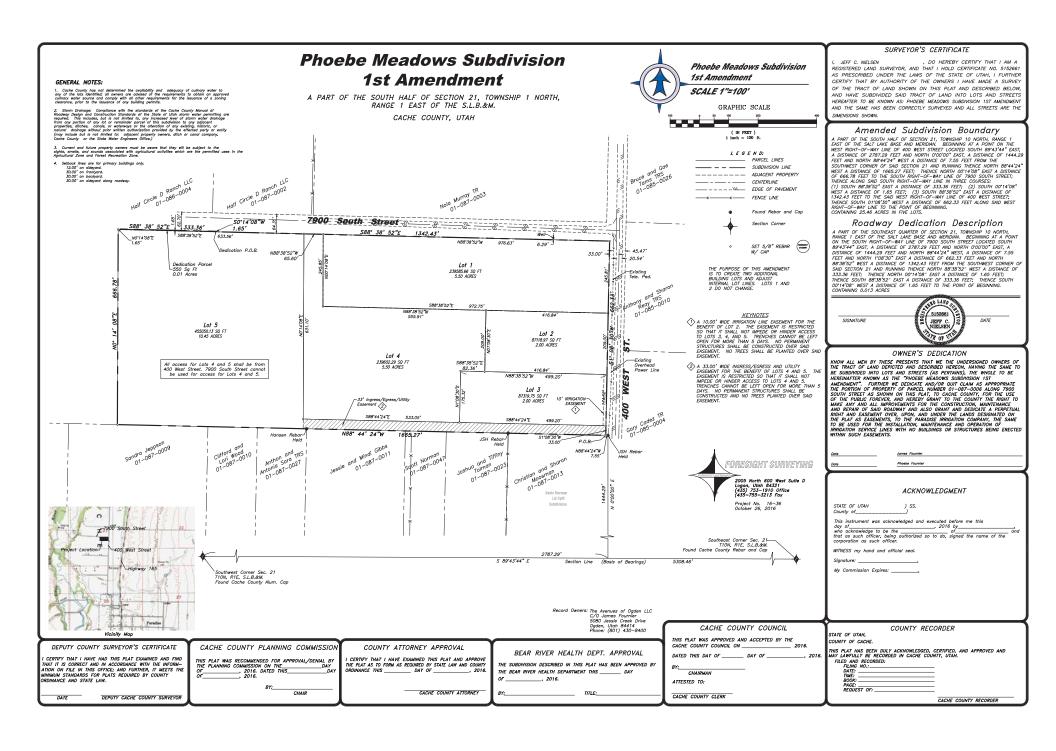
- 1. Prior to final plat recordation, the applicant must reaffirm their 33-foot portion of Cache County's 66-foot wide right-of-way for all county roads along the proposed subdivision boundary.
- 2. The applicant must provide sufficient shoulder space on 400 West for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane. *See F-18*.
- 3. An encroachment permit must be obtained for any work, including access drives, within the Cache County right-of-way. See F-12, F-18.
- **4.** If future development disturbs land area greater than 5,000 sf., a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan are required. *See F-17*.

Conclusions (2)

Based on the findings of fact and conditions noted herein, the Phoebe Meadows Subdivision 1st Amendment is hereby approved as follows:

- 1. It has been reviewed in conformance with, and meets the requirements of, the Cache County Land Use and Subdivision Ordinance.
- 2. A design exception is hereby approved for the paved width of 400 West as the total roadway width meets the minimum county requirements and the addition of a one-foot-wide strip of pavement is not practical and may create future maintenance and structural issues on the roadway. See F-10, 14.

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BUILDING | SURVEYING | ENGINEERING | GIS | PLANNING & ZONING | ROADS | WEEDS

STAFF REPORT: DEE PETERSEN SUBDIVISION

1 December 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: Dee Petersen Parcel ID#: 09-037-0010

Staff Determination: Approval with Conditions

Type of Action: Administrative

Land Use Authority: County Council

LOCATION Reviewed by: Angie Zetterquist, Planner

Project Address:

450 East 11600 North West of Richmond, Utah

Current Zoning: Acres: 14.6

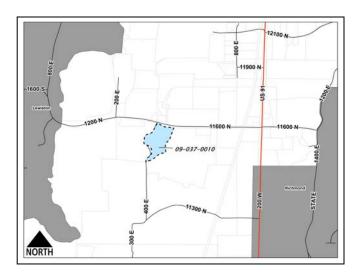
Agricultural (A10)

Surrounding Uses:

North – Agricultural/Residential

South – Agricultural East – Agricultural

West – Agricultural





FINDINGS OF FACT (24)

Summary

1. The Dee Petersen Subdivision is a request for a two-lot subdivision consisting of a 1.0 acre lot (Lot 1), a 1.2 acre lot (Lot 2), and a 12.4 acre agricultural remainder.

Ordinance—§12.02.010; §17.02.060, §17.07.040, §17.10.040

- 2. Title 16 Subdivision and Title 17 Land Use establish the requirements for the subdivision and use of property within the unincorporated county.
- **3.** As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for subdivisions.
- **4.** The parent parcel 09-037-0010 was a legal lot, identified as a 1970 parcel as per the "Policy for Determination of Parcel Legality" dated 29 August 2013. As such, the proposed subdivision qualifies for a maximum development density of three lots.

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- 5. For parcels identified as Agricultural Remainders, a deed restriction stating that the remainder is non-buildable except for agricultural structures is required to be recorded against said parcel. *See condition #1*.
- **6.** §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.

Access—§16.04.040 [A], §16.04.080 [E], Road Manual

- 7. Primary access to the property is via county road 11600 North.
- **8.** The Road Manual specifies the following:
 - **a.** Local Road: Roads with approximately 40 to 1500 Average Daily Trips (ADT). This includes roadways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic with emphasis on local movements.
 - **b.** Local Roads must meet the minimum standard of two, 10-foot wide paved travel lanes with 2-foot wide shoulders: 1-foot paved, 1-foot gravel (24 feet total width), 14-inches depth of granular borrow, a 6-inches depth of road base, 2.5-inches of bituminous surface course (asphalt), and a 66-foot wide right-of-way (ROW).
 - **c.** The depth and type of material under 11600 North is unknown. However, this is an existing county facility that provides access to the general public.
- **9.** The proposed Lots 1 & 2 and Agricultural Remainder would gain access from county road 11600 North:
 - **a.** 11600 North currently provides access to numerous residential and agricultural parcels and connects the cities of Lewiston and Richmond.
 - **b.** At this location, 11600 North consists of paved 26-foot wide travel lanes with 4-foot wide gravel shoulders.
 - **c.** 11600 North is within a county right-of-way (ROW), however the width of that ROW is indeterminate, but according to the survey, there is a minimum distance from the centerline of the roadway to the subject property line of 41.55 feet, which exceeds the required 33-foot portion of the County's 66-foot wide right-of-way for all county roads.
 - **d.** The county provides year round maintenance at this location on 11600 North.
 - e. An access easement to the Agricultural Remainder must be provided. See condition #2.

Water & Septic—§16.040.0070, §16.04.080 [A] & [B]

- **10.** The applicant has one approved, domestic-use water right in place on Lot 1 and has identified and arranged water rights for Lot 2 pending approval of the subdivision. *See condition #3*.
- 11. Bear River Health Department has determined that a septic system is feasible for Lot 2.
- **12.** If future development disturbs land area greater than 5,000 sf., a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan are required. *See condition #4*.

Service Provision—§16.04.080 [C], [D], [F], Road Manual 2.7-D

- **13.** Logan City Environmental has identified that residential refuse and recycling containers for the proposed lots must be placed on 11600 North for Friday collection.
- **14.** A gravel pad of sufficient space for the waste containers is required to safely locate containers outside of travel lanes. *See condition #5*.
- 15. School bus service would be provided through a stop at 450 East 11600 North, Richmond.
- **16.** The County Fire District requires a minimum 20' wide all weather surface for emergency access.
- 17. Water supply for fire suppression would be provided by the Richmond Fire Department.

1 December 2016 Page 2 of 3

Sensitive Areas—§17.17, §17.18.040, §17.18.060

- **18.** A small portion of the southern tip of the proposed Agricultural Remainder is within the FEMA floodplain for the Cub River.
- 19. A floodplain permit is required for any development within the FEMA floodplain, and an elevation certificate showing 1' of freeboard is required for any development within 100' of the floodplain.

Public Notice and Comment—§17.02.040

- **20.** Public notice was posted online to the Utah Public Notice Website on 08 November 2016.
- **21.** Notice was published in the Herald Journal on 20 November 2016.
- **22.** Notices were posted in three public places on 17 November 2016.
- **23.** Notices were mailed to all property owners within 300 feet of the subject property on 07 November 2016
- **24.** At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (5)

These conditions are based on the Cache County Subdivision and Land Use Ordinances, Road Manual, and on the findings of fact (F) as noted herein.

- 1. Prior to recording the final plat, a deed restriction stating that "the remainder is non-buildable except for agricultural structures" must be recorded against the parcel identified as an Agricultural Remainder. See F-5.
- 2. Prior to recording the final plat the applicant must provide an access easement to the Agricultural Remainder. *See F-9*.
- **3.** Adequate, approved, domestic water rights shall be in place for all building lots within the subdivision. *See F-10*.
- **4.** If future development disturbs land area greater than 5,000 sf., a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan are required. *See F-12*.
- **5.** The applicant must provide sufficient shoulder space on 11600 North for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane. *See F-14*.

Conclusions (1)

Based on the findings of fact and conditions noted herein, the Dee Petersen Subdivision is hereby approved as follows:

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

1 December 2016 Page 3 of 3

OWNER'S DEDICATION

THE UNDERSIGNED, BEING ALL OWNERS OF RECORD OF THE ABOVE DESCRIBED PARCEL OF LAND DO HEREBY SUBMIT SAID PARCEL TO BE SUBDIVIDED AND KNOWN AS DEE PETERSEN SUBDIVISION THIS DAY OF

DEE L. PETERSEN, TRUSTEE THEODORA H. PETERSEN, TRUSTEE

ACKNOWLEDGEMENT

STATE OF UTAH COUNTY OF CACHE

ON THIS ON, CO-TROSTES OF THE DELL PRILEDS AND THEODORA PETERSON, CO-TROSTES OF THE DELL PRILEDS AND THEODORA PETERSON (CO-TROSTES OF THIS PERSONNELS AND THEODORA IN A CONTROSTED OF THE CONNET OF CAME IN SOUTH OF THE CONNET OF CAME IN SOUTH OF CONTROSTES OF THE STORMER'S DEDICATION, 2 IN NUMBER, WHO DLY ACCOUNTEDED TO USE THAT THEY STORMED IT FREELY AND VOLUMENTALLY AND FOR THE PURPOSES THEREIN MENTIONED, AS SUCH TRUSTESS.

DEE PETERSEN SUBDIVISION OF PARCEL NUMBERS 09-037-0010 SECTION 22, TOWNSHIP 14 NORTH, RANGE 1 EAST SALT LAKE BASE AND MERIDIAN CACHE COUNTY, UTAH

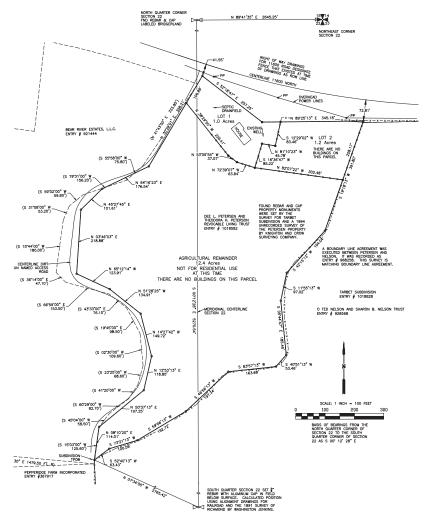


OWNERS AND DEVELOPER: DEE AND THEODORA PETERSEN 450 EAST 11600 NORTH RICHMOND, UTAH 84333

CACHE COUNTY COUNCIL
THIS PLAT WAS APPROVED AND ACCEPTED BY THE CACHE COUNTY COUNCIL OF DATE COUNCIL CHARMAN DATE ATTESTED TO BY CACHE COUNTY CLERI CACHE COUNTY PLANNING COMMISSION THIS PLAT WAS REVIEWED BY THE CACHE COUNTY PLANNING COMMISSION ON 2016. IT IS THE RECOMMENDATION OF THIS BOARD TO APPROVE/DENY THIS SUBDIVISION BASED ON FINDINGS. CHIEF DEPUTY COUNTY SURVEYOR'S CERTIFICATE CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED AND FIND THAT IT IS ORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE. NO FURTHER, IT MEETS THE MINUS STANDARDS FOR PLATS REQUIRED BY OUNTY ORDINANCE AND STATE LAW. CACHE COUNTY SURVEYOR CACHE COUNTY ATTORNEY

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND THAT IT IS IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE AND THE LAND USE ORDINANCE OF CACHE COUNTY, UTAH. BEAR RIVER HEALTH DEPT. APPROVAL

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LEGAL DESCRIPTION FOR DEE PETERSON SUBDIVISION BOUNDARY

A PARCEL OF LAND LOCATED IN SECTION 22. TOWNSHIP 14 NORTH, RANGE 1 DAST, SALT LAKE BASE AND MERIDAN, CACHE COUNTY, UTAH AND WORE PARTICULARLY DESCRIBED AS FOLLOWS.

SECRIMING AT THE SOUTH CLUMPTE COUNTY. A PARCEL OF LAND LOCATED IN SECTION 22 TORNING 1.4 MORTH, RANGET I LAST, SAUL PARK BASE AN MERRIAN, COLDE COUNTY, TUTA MOR DIVER PARTICLARLY RESPERTED AS TO THE SECTION 22.7 FROM WHICH IT IS AN EXPERIMENT AT THE SOUTH QUARTER COUNTY OF SAID SECTION 22.7 FROM WHICH IT IS AN EXPERIMENT AS THE SECTION 22.7 FROM WHICH IT IS AN EXPERIMENT COUNTY OF THE TIME POINT OF SECTION 29.7 SECTION 29.7 FROM WHICH IT IS AN EXPERIMENT CONTY OF SECTION 29.7 FROM WHICH COUNTY OF SAID SECTION 29.7 FROM WHICH PARTICLARLY SECTION 29.7 FROM WHICH PARTICLARLY SECTION 29.7 FROM WHICH COUNTY OF SAID SECTION 29.7 FROM WHICH COUNTY OF SAID SECTION 29.7 FROM WHICH COUNTY OF SAID SAID SAID SECTION 29.7 FROM WHICH COUNTY OF SAID SAID SAID SECTION 29.7 FROM WHICH COPY, THE LOCATION 29.7 FROM WHICH COPY, THE TO A TOUR 5/8" RESERVENT COP:

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SHEET 1 OF 1

(LAND SURVEYORS A.A. HUDSON AND	SUBDIVISION PLAT DEE PETERSON SUBDIVISION SECTION 22, T. 14 N. R. 1 E. SI. BASE AND MERIDIAN OCCHE COUNTY, UTAN	- <u>*</u> -	LEGEND - EXISTING FENCE DEED (RECORD) LINE SECTION CORNER FOUND SET 5/8" REBAR W/ ALUMINUM CAP	SURVEYOR'S CERTIFICATE I, TMOTHY LYNN CHRISTISSIS DO HEREBY CERTIFY THAT I AM A LICENSED LAND SUMMENTS IN THE STATE OF UTHA, THAT I AND CERTIFICATE NAMES 737041-2201 AND THAT BY THE AUTHORITY OF THE OWNERS OF SCHOOL THE STATE OF SURVEY TO BE MORE AS SHOWN AND HIS SCRIPTION THE CHRISTISSIS	RECORDER'S CERTIFICATE ENIRY NO. DATE TIME RECORD OF SURVEY NO
	132 SOUTH STATE ASSOCIATES PRESTON, IDAHO 83263	REVISIONS SURVEYED BY: TC 2 OFFICE WORK BY: TC	•	PROPERTY CORNER FOUND		RECORDED BY
1	(208)852-1155	1 FIELD BOOK NO PROJECT NO. 16191 DATE OCTOBER 2016	•	SET BY THIS SURVEY 5/8" REBAR W/ CAP	DATE TIMOTHY LYNN CHRISTENSEN	FEE



BUILDING | SURVEYING | ENGINEERING | GIS | PLANNING & ZONING | ROADS | WEEDS

STAFF REPORT: NIXON & NIXON, INC. REZONE

01 December 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: E.J. Nixon **Staff Recommendation:** Approval with conditions

Parcel ID#: 08-044-0010
08-024-0003 (portion)

Type of Action: Legislative

Land Use Authority: Cache County Council

LOCATION Reviewed by: Angie Zetterquist, Planner

Project Address: 6500 North 800 East Northeast of Smithfield

Current Zoning: Agricultural (A10) **Proposed Zoning:**Mineral Extraction
and Excavation (ME)

Acres: 72.90

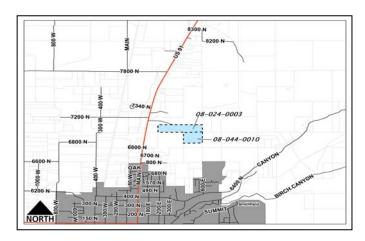
Overlay

Surrounding Uses:

North – Agricultural/Residential South – Agricultural/Extraction

East – Agricultural

West – Agricultural/Extraction





FINDINGS OF FACT (16)

1. A request to rezone the 27.50 acre parcel # 08-044-0010 and 45.4 acres of the 59.50 acre parcel #08-024-0003, to add the Mineral Extraction and Excavation (ME) overlay zone to an existing Agricultural (A10) zone.

Ordinance—§12.02.010, §17.02.060; §17.08.050 [A], §17.13.020

- **2.** As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
- **3.** County Land Use Code §17.08.050 [A] identifies the purpose of the Mineral Extraction and Excavation (ME) Overlay Zone:
 - a. 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

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- 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.
- **b.** 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.
- **4.** County Land Use Code §17.13.020 identifies the general 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 except in the case of temporary operations as specified in this chapter.
- 5. 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.
- **6.** §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.

Summary—§17.07.030

- 7. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map and in the following text:
 - **a.** *Property Context:* The property proposed to be rezoned is one parcel at 27.50 acres (08-044-0010) and 49.40 acres of a 59.50 acre parcel (08-024-0003).
 - **b.** The Sand and Gravel Resource Potential Map indicates the general area may contain delta & shoreline deposits (Exhibit A). See conclusion #1.
 - **c.** Extraction has occurred on parcel 08-044-0010 without Land Use Authority approval. *See condition #1.*
 - **d.** *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 Agricultural (A10) Zone.
 - e. Zone Placement: The majority of the land surrounding the subject property is currently used for mineral extraction and excavation and agricultural uses. There are existing, active gravel pits to the south, west, and east of the subject property. Immediately to the south is a pit owned by the LeGrand Johnson Construction Company (parcels 08-044-0049), and to the west is a pit owned by Jack B. Parson Companies (parcel 08-044-0012), and pits owned by Smithfield City (parcel 08-044-0013) and Cache County (08-044-0014). To the east, is a pit owned by Meikle Land Limited Partnership (Exhibit B). See conclusion #2.
 - **f.** There are no other Mineral Extraction and Excavation (ME) Zone Overlays in the vicinity, a recently enacted entitlement process. The existing and surrounding operations were initiated either prior to any permitting requirements for the use or under a stand-alone Conditional Use Permit (CUP) process prior to requirement for rezone.
 - **g.** The subject property is within less than a half mile of the Smithfield municipal boundary. Smithfield City has been notified of the rezone application.

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

- 8. Access to the proposed rezone area is from Smithfield Pit Road, a county road at approximately 6800 North, off of U.S. Highway 89.
 - **a.** As 6800 North extends east off of US Hwy 89, the road is 27 feet wide paved with 4-foot wide gravel shoulders.
- **9.** The access to the subject property, Smithfield Pit Road (approximately 6800 North), is a low priority maintenance area for the County.
 - **a.** The County Public Works Inspector has identified that maintenance on the gravel portion of the road is typically done by the private pit owners who use the road for access to their pits.
 - **b.** At the time a conditional use permit is considered, adequate easements or rights-of-way must be provided and additional road improvements may also be required as per the Road Manual.

Service Provisions:

10. Access for fire protection and emergency services meets current code requirements. Water supply for fire protection will be provided by the Smithfield Fire Department.

Public Notice and Comment—§17.02.040:

- 11. Public notice was posted online to the Utah Public Notice Website on 8 November 2016.
- **12.** Notice was published in the Herald Journal on 20 November 2016.
- **13.** Notices were posted in three public places on 17 November 2016.
- **14.** Notices were mailed to all property owners within 300 feet of the subject property on 7 November 2016.
- **15.** Smithfield City was noticed by e-mail on 18 November 2016.
- **16.** At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (1)

These conditions are based on the Cache County Land Use Ordinance, Road Manual, and on the findings of fact (F) as noted herein.

1. Prior to any mineral extraction and excavation work being conducted on the subject properties, an application with all required documents for a Conditional Use Permit (CUP) must be submitted to, and approved by, the Land Use Authority and all conditions and improvements of the CUP completed. Any extraction and excavation work currently being conducted must be halted immediately. See F-7c.

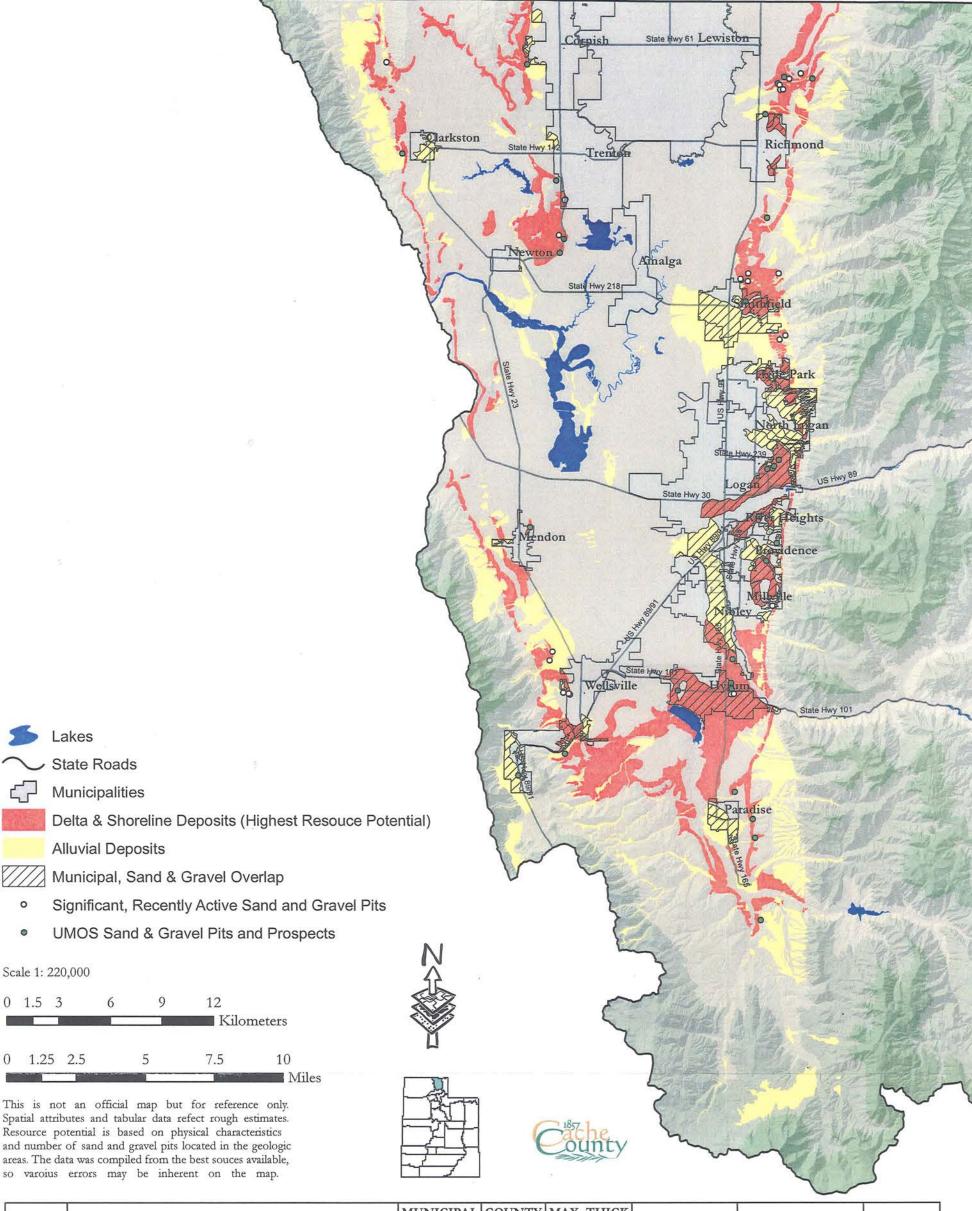
CONCLUSIONS (2)

Based on the findings of fact and conditions noted herein, the Nixon & Nixon, Inc. request is hereby approved as follows:

- 1. The property has been identified as likely to contain areas of high resource potential of delta & shoreline deposits as identified on the County Sand and Gravel Resource Potential Map (Exhibit A). See F-7b.
- 2. The proposed overlay zone does not impact and is compatible with the adjoining existing gravel pits to the south and west. See F-7e.

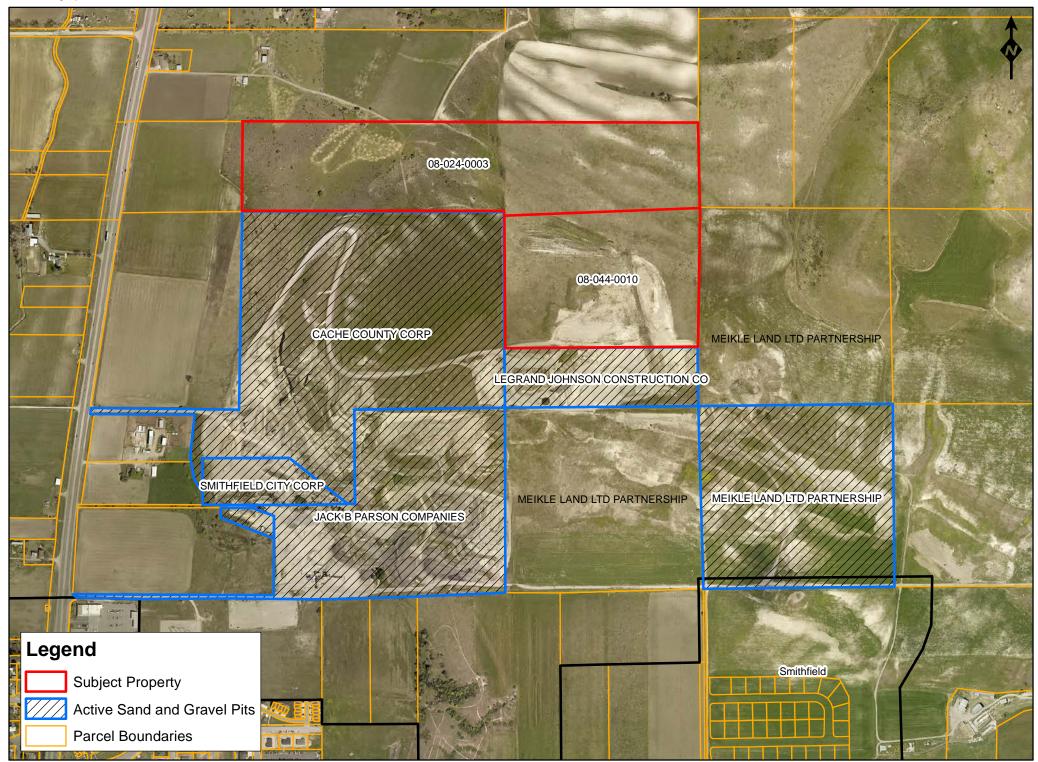
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Sand & Gravel Resource Potential Cache County, Utah



		MUNICIPAL	COUNTY	MAX_THICK			
SYMBOL	UNIT	ACRES	ACRES	(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
Qafl	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
Qafo	Older fan alluvium	256	6973.7	32.81	poorly	angular to well	0

Exhibit B





Building | Surveying | Engineering | GIS | Planning & Zoning | Roads | Weeds

2017 MEETING DATES AND APPLICATION DEADLINES								
			G COMMISSION ay of each month) COUNTY COUNCIL (2nd & 4th Tuesday*)			BOARD OF ADJUSTMENTS (3 rd Thursday of each month)		
Application Deadline 3:00 PM	MEETING DATE 4:00 PM	Application Deadline 3:00 PM	MEETING DATE 5:30 PM		MEETING DATE 5:00 PM		Application Deadline 3:00 PM	MEETING DATE 6:00 PM
7 Dec	4 Jan	7 Dec	5 Jan		10 Jan 24 Jan		28 Dec	19 Jan
4 Jan	1 Feb	4 Jan	2 Feb		14 Feb 28 Feb		25 Jan	16 Feb
1 Feb	1 Mar	1 Feb	2 Mar		14 Mar 28 Mar		22 Feb	16 Mar
1 Mar	5 Apr	1 Mar	6 Apr		11 Apr 25 Apr		29 Mar	20 Apr
5 Apr	3 May	5 Apr	4 May		09 May 23 May		26 Apr	18 May
3 May	7 Jun	3 May	1 Jun		13 Jun 27 Jun		31 May	15 Jun
7 Jun	5 Jul	7 Jun	6 Jul		11 Jul 25 Jul		28 Jun	20 July
5 Jul	2 Aug	5 Jul	3 Aug		08 Aug 22 Aug		26 Jul	17 Aug
2 Aug	6 Sep	2 Aug	7 Sep		12 Sep 26 Sep		30 Aug	21 Sep
6 Sep	4 Oct	6 Sep	5 Oct		10 Oct 24 Oct		27 Sep	19 Oct
4 Oct	1 Nov	4 Oct	2 Nov		14 Nov 21 Nov*		25 Oct	16 Nov
1 Nov	6 Dec	1 Nov	7 Dec		05 Dec* 12 Dec*		29 Nov	21 Dec

9 NORTH MAIN, SUITE 305 LOGAN, UTAH 84321 PHONE: (435) 755-1640 FAX: (435) 755-1987 EMAIL: devservices@cachecounty.org

WEB: www.cachecounty.org/devserv