



REVISED

4:45 p.m.

Workshop in the County Council Chambers.

5:30 p.m.

Call to order

Opening remarks/Pledge – Lane Parker

Review and approval of agenda.

Review and approval of the minutes of the 02 November 2017 meeting.

5:35 p.m.

Regular Action Items

- 1. Public Hearing (5:35 p.m.): Jenkins Storage Parking Rezone** – A request for a recommendation of approval to the County Council for a rezone of 10.99 acres of property at approximately 7860 North Highway 91, near Smithfield, from the Agricultural (A10) Zone to an Industrial (I) Zone.
- 2. Mt. Naomi Subdivision 1st Amendment** — A request for a recommendation of approval to the County Council to create a new developable lot (Lot 2) and extend the boundaries of an existing one-lot subdivision with an agricultural remainder located at 1285 East 4500 North, near Hyde Park, in the Agricultural (A10) Zone.
- 3. Lower Family Foods Conditional Use Permit** – A request for approval of a Conditional Use Permit to allow the installation of a water tank for transmission to an off-site private industrial facility. The proposed water tank will be located on 2.46 acres at 1050 South State, Richmond, in the Agricultural (A10) Zone.
- 4. Zeotech – Little Mountain Mine Conditional Use Permit** – A request for approval of a Conditional Use Permit to operate a mineral extraction operation on approximately 170 acres at 9282 North 5800 West, near Trenton, in the Agricultural (A10) Zone.
- 5. Discussion:** Code Amendments
- 6. Elections for Chair and Vice Chair**

Board Member Reports

Staff reports

Adjourn



Item

Page

Regular items

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3. 2018 Meeting Dates and Application Deadlines	2
4. Upcoming: Elections for Chair and Vice Chair.....	2

1 **Present:** Angie Zetterquist, Chris Harrild, Josh Runhaar, Lee Edwards, Jason Watterson, Chris Sands, Nolan
2 Gunnell, Rob Smith, Lane Parker, Megan Izatt

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

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

7
8 **05:32:00**

9
10 **Agenda**

11
12 Approved with no changes.

13
14 **Minutes**

15
16 ***Gunnell** motioned to approve the minutes from October 5, 2017; **Smith** seconded; **Passed 5, 0.***

17
18 **05:33:00**

19
20 **Regular Action Items**

21 **#1 Cache County Trails and Active Transportation Master Plan**

22
23 **Dayton Crites** updated the commission on the Cache County Trails and Active Transportation Master Plan.

24
25 The Commission and staff discussed feedback from the community and surrounding areas.

26
27 ***Sands** motioned to recommend approval of the Cache County Trails and Active Transportation Master Plan
28 to the County Council; **Gunnell** seconded; **Passed 5, 0.***

29
30 **05:54:00**

31
32 **#2 Discussion: Code Changes**

33
34 **Harrild** reviewed the 2017 legislature changes that affect the Planning Commission. All codes are required
35 to have language that is easy to read, understand, and use. Staff is working to update and rewrite any needed
36 changes to the County Codes.

37
38 **06:05:00**

39
40 **#3 2018 Meeting Dates and Application Deadlines**

41
42 **Harrild** reviewed the dates and application deadlines for 2018. July's Planning Commission will be held
43 July 12th instead of July 5th.

44
45 **06:06:00**

46
47 **#4 Upcoming: Elections for Chair and Vice Chair**

48
49 Elections will be held next month for Chair and Vice Chair.

1 **06:07:00**

2
3 **Staff Reports**

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5 November 9, 2017 is the Cache Summit for all private and government planners and Planning Commission
6 members.

7
8 **06:10:00**

9
10 **Adjourned.**

DRAFT

STAFF REPORT: JENKINS STORAGE PARKING REZONE

7 December 2017

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

Agent: Michael Jenkins

Parcel ID#: 08-016-0023

Staff Recommendation: Denial

Type of Action: Legislative

Land Use Authority: Cache County Council

LOCATION

Reviewed by Angie Zetterquist

Project Address:

7860 North Hwy 91
North of Smithfield

Acres: 10.99

Current Zoning:

Agricultural (A10)

Proposed Zoning:

Industrial (I)

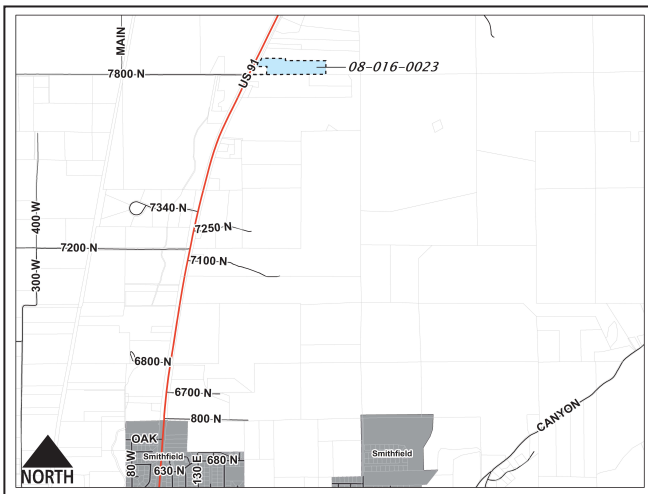
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural

West – Agricultural/Residential



FINDINGS OF FACT (19)

A. Request description

1. A request to rezone a 10.99-acre parcel from the Agricultural (A10) Zone to the Industrial (I) Zone.
2. This rezone may allow the parcel to establish uses permitted in the Industrial (I) Zone. The applicant's stated purpose is to operate an outdoor vehicle parking storage business on the west end of the property that fronts the highway and use the existing home as a caretaker's residence. However, the rezone is general in nature and is not tied to any proposed use. Any impacts related to permitted and conditional uses allowed within the Industrial Zone will be addressed as part of each respective approval process required prior to site development activities.

3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Exhibit A) and in the following text:

a. Land Use Context:

- i. Parcel status: In 1996, a Conditional Use Permit and variance were approved to allow the division of a one-acre piece of property from 08-016-0023 with no frontage on a public road for the construction of a single family dwelling. A building permit was subsequently issued for single-family dwelling in July 1996 on one-acre. The one-acre lot was later recombined into parcel 08-016-0023 in its present configuration.
- ii. Schedule of Zoning Uses: Under the current County Land Use Ordinance, the Industrial (I) Zone allows for a variety of uses, including the following uses that are allowed as a conditional use in the Industrial Zone but are not permitted in the current A10 Zone:
 - General Manufacturing
 - Storage and Warehousing
 - Self-service Storage Facility
 - General Vehicle Repair
 - Mobile Food Truck (as a zoning clearance)
 - Sexually-oriented Businesses
 - Telecommunication Facility
 - Crematorium
 - Commercial Kennels/Animal Shelters
- iii. The existing home may be considered a caretaker's residence in the Industrial Zone.
- iv. Adjacent uses: The properties surrounding the subject parcel within a one-mile buffer (Exhibit A) are currently zoned A10 and are used for agricultural and/or residential purposes.

There are 30 residential structures within 0.5 miles of the subject property and a total of 52 within 1.0 mile.

There are gravel pits operating approximately one-mile south of the subject property either as non-conforming uses in the A10 Zone or within the A10 Zone with a Mineral Extraction (ME) Overlay.

The nearest property with an Industrial Zone in unincorporated county is approximately a 3-mile drive north on 9800 North near Richmond; the rezone request for that property (#09-076-0003) was approved in 2016 for a light manufacturing and pet crematorium (i.e., Younker Rezone).

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

4. As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
5. The current County Land Use Ordinance does not specify appropriate locations for the Industrial (I) Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [A] [1] identifies the purpose of the I Zone and includes the following:
 - a. "To provide locations where manufacturing, processing, warehousing, and fabrication of goods and material can be carried on with minimum conflict or deleterious effect

upon the surrounding properties. The purpose of this zone is also to promote the economic well-being of the citizens and to broaden the tax base.

- b.** This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.”
- 6.** Consideration of impacts related to uses allowed within the Industrial (I) Zone will be addressed as part of each respective approval process required prior to site development activities.

C. Cache Countywide Comprehensive Plan

- 7.** The Cache Countywide Comprehensive Plan (“Plan”) was adopted in January 1998 with the primary purpose of the plan is to recommend orderly future patterns of land use (Plan, pg.1). The Plan recognizes that industrial development is a major portion of the economy of the County but states industrial development should be limited to existing zones where possible and should not be located in areas where they would create land use conflicts (Plan, pg. 31). Further, the Plan identifies two impacts of industrial development - impacts on adjacent property and the transportation system. Impacts on adjacent property include noise, smell, light, and other and it is because of these impacts that general plans try to resolve by segregating non-compatible land uses. The Plan does recognize that most of the industrial development has occurred in existing municipalities and along the principal highway system (US Highways 89/91) (Plan, pg. 82). Finally, the Plan lists objectives for industrial development that include encouraging development close to areas where people work, shop and live and encourage infill development instead of leap frog development (Plan, pg. 116).

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

- 8.** The property has frontage on U.S. Highway 91 on the west side and access to the existing single-family residence via a private road (7800 North) along the south boundary line of the property.
- 9.** §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
- 10.** The Road Manual specifies the following:
 - a.** Private Road: No commercial or industrial development shall be permitted.
- 11.** A basic analysis of private road (7800 North) is as follows:
 - a.** 7800 North is a private road that provides access to the existing single-family residence on the subject property and adjacent properties.
 - b.** Any industrial use on the subject property would be prohibited from using the private road.
- 12.** A basic analysis of U.S. Highway 91 is as follows:
 - a.** Is a state highway that provides access to the general public and is under the jurisdiction of the Utah Department of Transportation (UDOT).
 - b.** Any amendment to the access, including an intensification due to an industrial use, requires UDOT approval. The applicant must meet with UDOT to determine UDOT’s position on the industrial use proposal.

E. Service Provisions:

- 13.** §16.04.080 [C] Fire Control – The County Fire District evaluated the access road to the subdivision and determined that the access road meets fire code, but future access to the individual properties must be reevaluated and may require improvements based on the location of any proposed structure on the respective lots. Water supply for fire suppression is provided by the Smithfield Fire Department.

14. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental had no comments on the rezone request.

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

15. Public notice was posted online to the Utah Public Notice Website on 22 November 2017.
16. Notice was published in the Herald Journal on 26 November 2017.
17. Notices were posted in three public places on 22 November 2017.
18. Notices were mailed to all property owners within 300 feet of the subject property on 22 November 2017. Smithfield City was notified on 29 November 2017.
19. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONCLUSION

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

1. The location of the subject property is not compatible with the purpose of the Industrial (I) Zone as identified under §17.08.030[A] of the Cache County Code as:
 - a. It is located immediately adjacent to residential and agricultural properties and does not meet the stated purpose of the Industrial (I) Zone for industrial uses that are to be located in areas where the use can be carried on with minimum conflict or deleterious effect upon the surrounding properties.
 - b. An industrial development as allowed in the Industrial (I) Zone is incompatible with the existing adjacent residential and agricultural uses and conflicts with the stated purpose of the Agricultural (A10) Zone to promote and protect agricultural uses and activities where farming is a viable component of the local economy.
2. It is not consistent with the Cache Countywide Comprehensive Plan's vision for industrial development outside already established industrial zones as it impacts adjacent non-industrial land uses and establishes a leap frog development pattern instead of infill development.

0 800 1,600 3,200
Feet

STAFF REPORT: MT. NAOMI SUBDIVISION 1ST AMENDMENT

7 December 2017

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: Keith Meikle

Parcel ID#: 04-002-0005, 04-003-0019

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: County Council

LOCATION

Reviewed by Angie Zetterquist

Project Address:

1285 East 4500 North

Hyde Park

Current Zoning:

Agricultural (A10)

Acres: 55.29

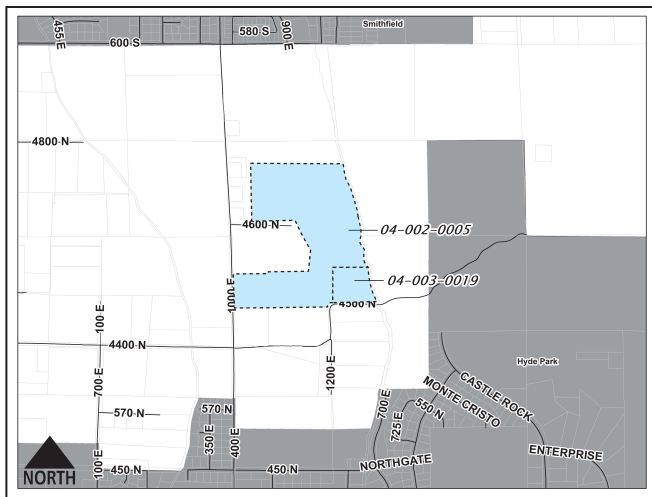
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural

West – Agricultural/Residential



FINDINGS OF FACT (23)

A. Request description

1. The Mt. Naomi Subdivision 1st Amendment is a request to expand the boundary of the subdivision and create a new developable lot, Lot 2, from the previously approved 1-lot subdivision with an agricultural remainder.
 - a. The Agricultural Remainder (04-002-0005) will increase 22.29 acres to 49.29 acres.
 - b. The new lot, Lot 2, will be 0.58 acre.
 - c. There are no changes to Lot 1 (04-003-0019), which remains at 6.0 acres.

B. Parcel legality

2. The original division of the property occurred through a subdivision approved in August 2008 for a one-lot subdivision with an agricultural remainder. In 2014, the applicant combined the agricultural remainder (04-002-0005) with another parcel (08-122-0002) not a part of the subdivision without land use authority, resulting in a restricted property.
3. The proposed Lot 2 currently has an agricultural structure located on the property. A zoning clearance for an agricultural structure was issued in November 2016 and then revised in April 2017; a zoning clearance can be issued on a restricted property so long as it is strictly an agricultural structure. A building permit was not required for the structure as the applicant affirmed that it was solely for agricultural purposes, specifically equipment storage and repair. (Exhibit A) The applicant subsequently obtained a building permit (#5312) for the agricultural structure as the Agricultural Building Statement he signed clearly states that if a building permit and inspections are not obtained at the time of construction the use of the building cannot be changed in the future. In July 2017, another building permit (#5558) was erroneously issued for a tenant improvement to the structure to change the use from an agricultural structure to a reception hall without approval of a zoning clearance or a conditional use permit (CUP) and without resolving the restricted status of the property. The building permit (#5558) does have a condition that requires approval of a CUP prior to the Certificate of Occupancy being issued.
4. Approval of this subdivision amendment application will only resolve the restricted status of the property and does not authorize the use of any part of the subdivision for any prohibited or conditionally permitted land uses including, but not limited to, a farm stand, a u-pick operation, and/or a rental/reception hall. The applicant must submit an application and obtain approval from the land use authority for a Conditional Use Permit to operate any business activities that are conditionally permitted in the A10 Zone prior to operating those businesses. *See condition #1.*

C. Authority

5. §17.02.060 Establishment of Land Use Authority – The County Council is authorized to act as the Land Use Authority for this application.

D. Culinary water, septic system, and storm water

6. §16.04.080 [A] Water Requirements – A domestic, approved water right is required for each of the lots. The subdivision is located within the vicinity of Hyde Park City and the applicant has provided a letter from the Public Works Director of Hyde Park City, Mike Grunig, confirming that culinary water is being provided by the City.
7. §16.04.080 [B] Sewage Requirements – All proposed lots require a Bear River Health Department (BRHD) review to determine feasibility of a septic system on the subject property. The applicant has provided a copy of an approved septic tank permit, dated September 28, 2016, from BRHD for the proposed Lot 2 for an existing agricultural structure located on the property.
8. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit is required for any future development. *See condition #2.*

E. Access

9. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
10. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
11. §16.04.080 [E] Roads and Access – A basic road review is required and must consider:
 - a. The layout of proposed roads;
 - b. An analysis of existing roadway compliance with the Road Manual requirements;
 - c. Existing maintenance;

- d. And any additional impacts to the proposed development access roads.
12. The Road Manual specifies the following:
- a. §2.1-A-4 Local Road, Table 2.2 Roadway Typical Sections: Roads with approximately 40 to 1500 Average Daily Traffic (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. Table 2.2 Roadway Typical Sections: Local roads must meet the minimum standards of a 66-foot-wide right-of-way, two 10-foot-wide paved travel lanes with 2-foot-wide shoulders (1-foot-wide gravel and 1-foot-wide paved) for a total width of 24 feet.
 - c. §2.4-A-1-c: Development on inadequate roadways is not allowed, and any substandard sections of roadway access must be improved to meet the minimum standards specified in the Road Manual.
 - d. Table A-8 Typical Cross Section Structural Values: The minimum structural composition for gravel roads requires 14" depth of granular borrow, 6" depth of road base, and paved roads required an additional 2.5" depth of asphalt.
 - e. §2.4-A-4-b: The review of requests for exceptions to the road manual standards for development on existing roadways must occur through the Design Exception process.
 - f. §1.8 Authority and Design Exception: 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.
 - g. A request for a design exception has not been submitted.
13. A basic review of the access to the existing lots identifies the following:
- a. The existing & proposed lots gain access from 4500 North/1200 East/4400 North, which connects to 1000 East, and a private drive.
 - b. Private Drive/Road:
 - i. Is a private drive that provides access to the Agricultural Remainder and the proposed Lot 2 of the subject subdivision from 4500 North.
 - ii. Consists of a 22-foot wide gravel travel lanes and 2-foot wide gravel/vegetation shoulders.
 - iii. Is not maintained by the County.
 - c. 4500 North/1200 East/4400 North:
 - i. Is an existing, substandard county facility that provides access to the general public.
 - ii. Currently provides access to five dwellings, vacant lots, and agricultural parcels.
 - iii. Varies in a width from 22-feet to 16-feet to 14-feet to 20-feet gravel travel lanes with 2-foot wide shoulders consisting of gravel/vegetation. (Exhibit B)
 - iv. Has an unknown depth and type of material under the gravel surface.
 - v. Is maintained year round.
14. 4500 North/1200 East/4400 North is a substandard road and does not meet the requirements for a local road per the road manual based on the number of trips generated by the existing residences. The road must be improved to meet the minimum standards prior to the recordation of the final plat adding another developable lot for potential residential use. *See condition #3*

F. Service Provision

15. §16.04.080 [C] Fire Control – The County Fire District identified that the existing access is acceptable. Any future development on the property must be reevaluated and may require improvements based on the location of any proposed development/use. Water supply for fire

suppression is provided by a dry hydrant located on the property for fire protection that meets NFPA 1142.

16. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental currently provides service in this area for residential uses. Any proposed development/uses in the future that would intensify the need for refuse services will need to be reevaluated. Logan City Environmental cautions that due to winter or wet weather conditions, collection may be skipped if trucks are unable to access this area.
17. §16.04.080 [D] School Bus Service – School bus service is located at a stop at 4500 North 1000 East (i.e., 400 East in Hyde Park).

G. Sensitive Areas

18. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
 - a. GIS data indicates that the subject property has a fault line that runs north to south through the eastern side of the property. Any future development or change of use will require a geotechnical report if the development is located within the hazard area(s). *See condition #4.*
 - b. The subject property is located within the Airport Influence Area.
 - c. A canal owned by the Cache Highline Water Association runs along the eastern boundary of the subdivision. Future development shall not occur in waterways.

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

19. Public notice was posted online to the Utah Public Notice Website on 22 November 2017.
20. Notice was published in the Herald Journal on 26 November 2017.
21. Notices were posted in three public places on 22 November 2017.
22. Notices were mailed to all property owners within 300 feet and cities within 1-mile of the subject property on 22 November 2017.
23. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (4)

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

1. The applicant must submit an application for and obtain approval of a Conditional Use Permit prior to operating any business activities within the subject subdivision. (*See B-4*)
2. A Land Disturbance Permit is required for any future development. (*See D-6*)
3. Prior to recording the final plat, the proponent must improve the portion of 4400 North/1200/East/4500 North to meet the minimum county requirements for a Local Road as specified in County Road Manual for residential development; a future change of use will require additional improvements. The design of all roads providing access to the development must be reviewed and approved by the Cache County Engineer for compliance with applicable codes. A full set of engineered design and construction plans must be submitted and must address issues of grade, drainage, and base preparation and construction. Fees for any engineering plan and construction review above the base fee collected for road review must be borne by the proponent. (*See E-14*)
4. A geotechnical report must be completed for any structures located within a hazard area. (*See G-17*)

CONCLUSIONS (1)

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

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



Cache County

1857

Exhibit A

DEVELOPMENT SERVICES DEPARTMENT

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

ZONING CLEARANCE: Approved (Prepared by: Laurie Jones)

\$ 25.00

Date: 11/03/16

Receipt #: 9537

Payment type: Cash

This Zoning Clearance is issued in conformance with Cache County Ordinance §17.09.030 Schedule of Uses, and is a use permitted with Zoning Clearance approval in the Agricultural (A10) Zone. This clearance expires one calendar year from the date of Director approval unless a building permit is obtained.

LOCATION

SITE PLAN



Property ID: **04-002-0005**

Structure: **1130 Accessory Structure**

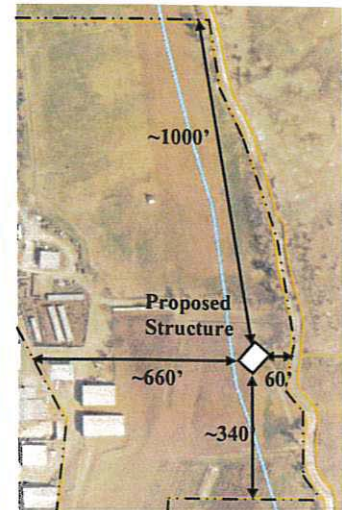
Multi-use Ag/Storage/Repair 64' x 72'

Zone: A10 (49.29 acres)

Project Address: 1285 East 4500 North
Hyde Park, UT 84318

OWNER/AGENT

Property Owner: **KHM Farm Inc.**
Owner Telephone: 435.881.1070
Mailing Address: 1285 East 4500 North
Hyde Park, UT 84318



DEPARTMENT REVIEWS

Fire Review: Approved
Road/Encroachment: Ag. Exempt/ N/A
Floodplain Permit: No FIRM floodplain
Garbage Service: N/A

Bus stop location: N/A
Culinary Water: Yes WR#: Hyde Park City
Septic Approval: Yes
Property address: Correct as noted

CONDITIONS

1. A Certificate of Occupancy will not be issued until all requirements have been met.

OTHER INFORMATION

This parcel is restricted due to the north line boundary was adjusted without Land Use Authority approval; however, agricultural structures are allowed on restricted parcels. A Fault line appears to be located on the parcel; however, a Geotechnical Report is not required as this is not a habitable structure. Wetlands Property owners are responsible to verify the location of property lines and structures in relation to meeting setback distances to new structures. Current and future property owners must be aware that they are subject to the sights, sounds, and smells associated with agricultural activities which are the permitted uses in the Agricultural (A10) Zone. This property is hereby given zoning clearance for the site plan shown. Any changes in type of structure or placement will require a new zoning clearance. Approval of zoning clearance is not a waiver of compliance with the zoning ordinance nor is it a conditional use permit.

The proposed land use is cleared subject to the requirements of the Cache County Ordinance and the conditions as noted.

Director of Development Services

4/3/2017
Date



AGRICULTURAL BUILDING STATEMENT

As defined in State Code §15A-1-202:

- (1) "Agricultural use" means a use that relates to the tilling of soil and raising of crops, or keeping or raising domestic animals.
- (10) "Not for human occupancy" means use of a structure for purposes other than protection or comfort of human beings, but allows people to enter the structure for:
 - (a) maintenance and repair; and
 - (b) the care of livestock, crops, or equipment intended for agricultural use which are kept there.

As defined in State Code §15A-1-204:

- (7) (a) Except as provided in Subsection (7)(b), a structure used solely in conjunction with agriculture use, and not for human occupancy, is exempt from the permit requirements of the State Construction Code.
- (b) (i) Unless exempted by a provision other than Subsection (7)(a), a plumbing, electrical, and mechanical permit may be required when that work is included in a structure described in Subsection (7)(a).
- (ii) Unless located in whole or in part in an agricultural protection area created under Title 17, Chapter 41, Agriculture and Industrial Protection Area, a structure described in Subsection (7)(a) is not exempt from a permit requirement if the structure is located on land that is:
 - (A) within the boundaries of a city or town, and less than five contiguous acres; or
 - (B) within a subdivision for which the county has approved a subdivision plat under Title 17, Chapter 27a, Part 6, Subdivisions, and less than two contiguous acres.

Unless otherwise exempted, plumbing, electrical, and mechanical permits may be required when that work is included in the structure.

ACKNOWLEDGEMENT

I, the undersigned property owner do hereby acknowledge that the proposed building is for agricultural use only. The uses that are to take place in this structure include:

Equipment Storage + Repair area

As an agricultural building this building may not be used for any purpose, including residential or commercial, other than agriculture. I understand that if a building permit and inspections are not obtained at the time of construction the use of the building cannot be changed in the future.

[Signature] *Oct 20, 2016*
Signed _____ Date _____
Keith Meikle
Print Name _____

BUILDING PERMIT - CACHE COUNTY, UTAH

Exhibit A
State # CAC170403312

Owner's Name KHM Farms Inc.			FOR DEPARTMENT USE ONLY					
Mailing Address 1285 East 4500 North			Locality Hyde Park					
City Hyde Park State UT			Name KHM Farms Inc.					
Zip 84318 Phone 435-881-1070			Building Address 1285 East 4500 North					
Building Use Ag Building			<div style="display: flex; justify-content: space-between;"> <div> New <input type="checkbox"/> Addition <input checked="" type="checkbox"/> </div> <div> Alterations <input type="checkbox"/> Move <input type="checkbox"/> </div> </div>					
Value _____			<div style="display: flex; justify-content: space-between;"> <div> Plan Check Fee + 839.15 </div> <div> Occupancy Bond Fee + _____ </div> </div>					
Location Hyde Park			<div style="display: flex; justify-content: space-between;"> <div> Base Fee + 1,382.00 </div> <div> State Fee + 13.82 </div> </div>					
<div style="display: flex; flex-direction: column; align-items: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">BUILDING CONTRACTOR</div> <div style="width: 100%;"> Name Corbridge Building Serv. Address 1146 East 4400 North City Hyde Park State UT Zip 84318 Phone 435-770-2800 License Number 366061-5501 </div> </div> <div style="display: flex; flex-direction: column; align-items: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">PLUMBER</div> <div style="width: 100%;"> Name _____ Address _____ City _____ State _____ Zip _____ Phone _____ License Number _____ </div> </div> <div style="display: flex; flex-direction: column; align-items: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">ELECTRICIAN</div> <div style="width: 100%;"> Name _____ Address _____ City _____ State _____ Zip _____ Phone _____ License Number _____ </div> </div> <div style="display: flex; flex-direction: column; align-items: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">ARCHITECT or ENGINEER</div> <div style="width: 100%;"> Name Duane D. Boice Address _____ City _____ State _____ Zip _____ Phone _____ License Number 174320-2203 </div> </div>			<div style="display: flex; justify-content: space-between;"> <div> Deposit Paid - _____ </div> <div> Total Building Fee 2,234.97 </div> </div>					
			<div style="display: flex; justify-content: space-between;"> <div> Use of Bldg. Farm Building </div> <div> Dim. of Bldg. 64' X 72' </div> </div>			<div style="display: flex; justify-content: space-between;"> <div> Bldg. Main </div> <div> Area 3,168 </div> <div> Valuation 117,216 </div> </div>		
			<div style="display: flex; justify-content: space-between;"> <div> Sq. Footage 4608 </div> <div> Height 32' </div> <div> No. of Families _____ </div> </div>			<div style="display: flex; justify-content: space-between;"> <div> Upper _____ </div> <div> Bsmt. _____ </div> <div> Garage _____ </div> </div>		
			<div style="display: flex; justify-content: space-between;"> <div> Lot Size 49.29 Acres </div> <div> Lot Dim. _____ </div> </div>			<div style="display: flex; justify-content: space-between;"> <div> Lean _____ </div> <div> Area 1,440 </div> <div> Valuation 36,000 </div> </div>		
			<div style="display: flex; justify-content: space-between;"> <div> Parcel Number 04-002-0005 </div> <div> Zone _____ </div> </div>			<div style="display: flex; justify-content: space-between;"> <div> Elec. _____ </div> <div> Mech. _____ </div> <div> Plumb. _____ </div> </div>		
			<div style="display: flex; justify-content: space-between;"> <div> Setback (front) _____ </div> <div> Setback (side if corner lot) _____ </div> </div>			<div style="display: flex; justify-content: space-between;"> <div> Base 1,382.00 </div> <div> State 13.82 </div> </div>		
			<div style="display: flex; justify-content: space-between;"> <div> Side Yard (left facing building) _____ </div> <div> Side Yard (right facing building) _____ </div> </div>			<div style="display: flex; justify-content: space-between;"> <div> County 1,382.00 </div> <div> City _____ </div> </div>		
			<div style="display: flex; justify-content: space-between;"> <div> Base _____ </div> <div> State _____ </div> </div>			<div style="display: flex; justify-content: space-between;"> <div> 91.00 </div> <div> 153,216.00 </div> </div>		
			<div style="display: flex; justify-content: space-between;"> <div> County _____ </div> <div> City _____ </div> </div>					
			SPECIFICATIONS			APPROVALS		
<div style="display: flex; justify-content: space-between;"> <div>Footings</div> <div>concrete</div> <div>per engineer</div> </div>			PLANS CHECKED					
<div style="display: flex; justify-content: space-between;"> <div>Foundation</div> <div>concrete</div> <div>per engineer</div> </div>			<div style="display: flex; justify-content: space-between;"> <div>Date</div> <div>By</div> </div>					
<div style="display: flex; justify-content: space-between;"> <div>Depth in Ground</div> <div>per engineer</div> </div>			<div style="display: flex; justify-content: space-between;"> <div>3/29/2017</div> <div>Brian Abbott</div> </div>					
<div style="display: flex; justify-content: space-between;"> <div>Ext. Walls</div> <div>Framing per engineer</div> </div>			SANITATION DEPARTMENT					
<div style="display: flex; justify-content: space-between;"> <div>Floor Joist</div> <div>Concrete slab</div> </div>			<div style="display: flex; justify-content: space-between;"> <div>Date</div> <div>By</div> </div>					
<div style="display: flex; justify-content: space-between;"> <div>Roof Framing</div> <div>Hand framed roof per plan</div> </div>			ZONING					
<div style="display: flex; justify-content: space-between;"> <div>Roof Covering</div> <div>_____</div> </div>			<div style="display: flex; justify-content: space-between;"> <div>Date</div> <div>By</div> </div>					
<div style="display: flex; justify-content: space-between;"> <div>Water</div> <div>city culinary</div> </div>			<div style="display: flex; justify-content: space-between;"> <div>4/3/2017</div> <div>Cache County P&Z</div> </div>					
<div style="display: flex; justify-content: space-between;"> <div>Sewage</div> <div>Septic</div> </div>			BUILDING DEPARTMENT					
<div style="display: flex; justify-content: space-between;"> <div>Sprinklers Required</div> <div>_____</div> <div>Tank Size (Gal.)</div> </div>			<div style="display: flex; justify-content: space-between;"> <div>Date</div> <div>By</div> </div>					
<div style="display: flex; justify-content: space-between;"> <div>Water Tank Required</div> <div>_____</div> </div>			<div style="display: flex; justify-content: space-between;"> <div>4/3/2017</div> <div>Laurie Jones</div> </div>					
<div style="display: flex; justify-content: space-between;"> <div>Occupancy Group / Division</div> <div>U</div> </div>			INSPECTIONS					
<div style="display: flex; justify-content: space-between;"> <div>Maximum Occupancy</div> <div>_____</div> </div>			24 HOUR NOTICE - (435) 755-1650					
<div style="display: flex; justify-content: space-between;"> <div>Construction Type</div> <div>V B</div> </div>			1. Footing Steel					
SPECIAL INFORMATION OR RESTRICTIONS			2. Foundation Steel					
1. Approved plan must be on site for all inspections 2. See notes on plans 3. Permit is for an agricultural building. Any changes in the future to a different occupancy will need new plans and new permits. Permit includes underground plumbing 4. Permit #5558 is for tenant improvements to change occupancies			3. Underground Drainage					
			4. Underground Electric					
			5. Underground Mechanical					
			6. Concrete Floors					
I / we the undersigned, acting as owner or as the duly appointed representative, understand and agree to the following: 1) all construction will comply to adopted codes as permitted herein and be in compliance with adopted zoning ordinances; 2) are familiar with the present services at the building site and I / we are responsible for any changes including, but not limited to road maintenance, snow removal, school busing, garbage removal, etc. which change may be caused by this construction; 3) accept full responsibility and liability for the structure / work authorized hereon and relieve city / county or their agents of any expressed or implied liability. Furthermore, should we relinquish ownership we agree to inform any future purchaser of these conditions and notify them of their obligation to do the same in the event that they should sell.								
Date 3/29/2017								
Signature _____								
by _____								

BUILDING PERMIT - CACHE COUNTY, UTAH

Exhibit A
State # CAC170731558

Owner's Name KHM Farms Inc. Tenant Improvment			FOR DEPARTMENT USE ONLY		
Mailing Address 1285 East 4500 North			Locality Hyde Park		
City Hyde Park State UT			Name KHM Farms Tenant Finish		
Zip 84318 Phone 435-881-1070			Building Address 1285 East 4500 North		
Building Use Commercial			<div style="display: flex; justify-content: space-between;"> <div> Date Issued 7/31/2017 Receipt No. 10458 Permit No. 5558 </div> <div> Plan Check Fee + 575.00 </div> <div> Occupancy Bond Fee + 11.92 </div> </div>		
Value _____			<div style="display: flex; justify-content: space-between;"> <div> Base Fee + 1,192.00 </div> <div> State Fee + 11.92 </div> </div>		
Location Hyde Park			<div style="display: flex; justify-content: space-between;"> <div> Deposit Paid - </div> <div> Total Building Fee 1,778.92 </div> </div>		
BUILDING CONTRACTOR	Name Corbridge Building Serv.		New <input type="checkbox"/> X Addition <input type="checkbox"/>		
	Address 1146 East 4400 North		Alterations <input type="checkbox"/> Move <input type="checkbox"/>		
	City Hyde Park State UT		Use of Bldg. Commercial		
	Zip 84318 Phone 435-770-2800		Dim. of Bldg. 72' X 64'		
	License Number 366061-5501		Sq. Footage 4608		
			Height 32' No. of Families _____		
			Lot Size 49.29 Acres Lot Dim. _____		
			Parcel Number 04-002-0005 Zone _____		
			Setback (front) _____ Setback (side if corner lot) _____		
			Side Yard (left facing building) _____ Side Yard (right facing building) _____		
PLUMBER	Name Cache Valley Plumbing		Base 1,192.00 State 11.92		
	Address P.O. Box 483		County 1,192.00 City _____		
	City Logan State UT		SPECIFICATIONS		
	Zip 84323 Phone 435-770-8750				
	License Number 5797363-5501				
		APPROVALS			
ELECTRICIAN	Name Bates Electric		Footings existing		
	Address 740 West 200 North #43		Foundation existing		
	City Logan State UT		Depth in Ground _____		
	Zip 84321 Phone 435 232-2988		Ext. Walls Framing per engineer		
	License Number 7813361-5501		Floor Joist Concrete slab		
			Roof Framing Hand framed roof per plan		
			Roof Covering _____		
			Water city culinary		
			Sewage Septic		
			Sprinklers Required <input type="checkbox"/> Tank Size (Gal.) _____		
ARCHITECT or ENGINEER	Name Joe Beck		Water Tank Required <input type="checkbox"/>		
	Address 497 East 520 South		Occupancy Group / Division A 3		
	City Smithfield State UT		Maximum Occupancy _____		
	Zip 84335 Phone 764-6742		Construction Type V B		
	License Number 137544		SPECIAL INFORMATION OR RESTRICTIONS		
		INSPECTIONS 24 HOUR NOTICE - (435) 755-1650			

I / we the undersigned, acting as owner or as the duly appointed representative, understand and agree to the following: 1) all construction will comply to adopted codes as permitted herein and be in compliance with adopted zoning ordinances; 2) are familiar with the present services at the building site and I / we are responsible for any changes including, but not limited to road maintenance, snow removal, school busing, garbage removal, etc. which change may be caused by this construction; 3) accept full responsibility and liability for the structure / work authorized hereon and relieve city / county or their agents of any expressed or implied liability. Furthermore, should we relinquish ownership we agree to inform any future purchaser of these conditions and notify them of their obligation to do the same in the event that they should sell.

Date **6/7/2017**

Signature _____

by _____

4400 N Road Review

Exhibit B



Cache County
1887

Development
Services

Date: 11/3/2017





STAFF REPORT: LOWER FAMILY FOODS CUP

7 December 2017

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: Steven Wood

Parcel ID#: 08-002-0056

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

PROJECT LOCATION

Reviewed by Angie Zetterquist

Project Address:

~1050 S. State Street
south of Richmond

Current Zoning:

Agricultural (A10)

Acres: 2.46

Surrounding Uses:

North – Agricultural/Residential/Richmond City

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



FINDINGS OF FACT (28)

A. Request description

1. The Lower Family Foods Conditional Use Permit (CUP) is a request to allow the installation of a 200,000-gallon water tank for the transmission of non-consumptive water from an on-site well to an off-site private industrial facility. In addition to the water tank, a 2,400-square-foot well house will be built to provide protection for the well-head and related equipment (Exhibit A).

The installation of the water tank and transmission line will provide additional water supply for food preparation processes at Lower Foods, Inc., located at 700 S. 200 W. in Richmond.

2. In April 2015, the County Council approved a request to amend the Funk Subdivision to add Lot 2 for the sole purpose of accommodating a pumping station/water utility to provide water for Lower Foods (Exhibit B). Although the subdivision amendment was for the express purpose of accommodating the water utility use, the use itself still requires approval of a Conditional Use Permit in order to operate.
3. As stated, the applicant is proposing to add a water storage tank, a well house, and install a transmission line onsite to service industrial needs at an off-site location. The letter of intent for the Lower Family Foods CUP reflects the proposed improvements (Exhibit C):
 - a. New Construction
 - i. A new well-house will be constructed around the existing well head on the property. The well-house will be approximately 2,400 square feet and designed to resemble a barn to better blend in with the surrounding residential and agricultural uses. The structure will serve to protect the well head and for storage of maintenance equipment.
 - ii. The concrete water tank will hold 200,000 gallons of water and positioned so that half of the tank will be below ground. The other half of the tank projecting above ground will have backfill placed around it so that it appears to be a small hill. *See condition #1*
 - iii. The subject property is a flag lot with a long access drive. The location of the new well-house and water tank will be setback approximately 1,200 feet from the county road, South State Street.
 - b. Operation
 - i. The operation is an unmanned facility, but does require regular visits by one or two employees to maintain the well and ensure it is operating properly. Regular maintenance checks by employees will occur during normal business hours, 7 a.m. to 5 p.m., Monday through Saturday. Response to an emergency situation will occur as necessary.
 - ii. Deliveries of materials to maintain quality of the well water are anticipated to occur every two to three months.
4. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. *See condition #2*

B. Conditional Uses *See conclusion #1*

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

C. Compliance with law *See conclusion #1*

6. The County Land Use Ordinance stipulates that:
 - a. The proposed conditional use must comply with the regulations and conditions specified in the County Code and other applicable agency standards for such use.
 - b. The proposed conditional use must be consistent with the intent, function, and policies of the Cache County General Plan, Ordinance(s), and land use, and/or compatible with existing uses in the immediate vicinity.
7. §17.02.060, Establishment of Land Use Authority, authorizes the Planning Commission to act as a Land Use Authority for a CUP. *See conclusion #2*
8. The subject parcels have been determined to be a legal per the “Policy for Determination of Parcel Legality” dated 29 August 2013 as follows:

- a. 08-002-0056 – Legal; Subject property was legally established as Lot 2 of the Funk Subdivision after the County Council approved an amendment to the subdivision in 2015. The original subdivision of the parent parcel (08-002-0017) was approved in 1994 through a Conditional Use Permit.
- b. Encroachment Permit 2017-050: issued for water line installation under South State Street.
- 9. §17.07.030, Use Related Definitions. The proposed use is best defined under “Use Type 5610, Utility Facility, Distribution, Water/Waste Water Transmission Line” although the definition does not include the storage of water, only the transmission of water. There is currently no use type that directly addresses water storage either as a primary or accessory use. Based on the proposed use and the lack of a use type in the Code that specifically allows for water storage, staff believes there is a clear association between water transmission and water storage that would allow for the applicant’s proposed use to be considered under the requirements of a CUP for use type 5610, Utility Facility, Distribution, in the A10 Zone versus being a prohibited use under §17.06.010(B). This section of the county code prohibits any use which is not identified by Title 17 as either a permitted, zoning clearance, condition, or nonconforming use. Given that the subdivision amendment approved in 2015 by the County Council plainly identified the future use of the new lot as a pumping station/water utility and that the County has approved water tanks in the past (i.e., 2012 - Richmond City Water Tank and Paradise City Water Tank), it appears it is not the intent of the Code to prohibit water tanks and the identified use type is appropriate for the proposed use. The applicant has also agreed that this is the best option under the Code.
- 10. §17.09.030, Schedule of Uses by Zoning District, permits this use as a CUP in the Agricultural (A10) Zone only if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses as noted.

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

- 11. The County Land Use Ordinance stipulates that:
 - a. Proposed CUP uses must not be detrimental to the public health, safety and welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A conditional use shall be considered detrimental if:
 - i. It causes unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar risks, and/or;
 - ii. It unreasonably interferes with the lawful use of surrounding property.
- 12. The primary activities as identified within the Lower Family Foods CUP Letter of Intent are proposed to only occur on parcels 08-002-0056 and will not cause unreasonable risks to the safety of persons or property and it does not unreasonably interfere with the lawful use of surrounding properties.
 - a. The location of the water transmission line that connects the water tank to the off-site industrial facility has not yet been identified. Based on initial information from the applicant, the line consists of an 8-inch PVC pipe that extends approximately 2,000 linear feet across South Street and through private property to the private industrial facility. *See condition #3.*

E. Adequate service provision *See conclusion #1*

- 13. The County Land Use Ordinance stipulates that:
 - a. The proposed conditional use must not result in a situation that creates a need for essential services that cannot be reasonably met by local service providers, including but not limited to: Roads and year round access for emergency vehicles and residents, fire protection, law

enforcement protection, schools and school busing, potable water, septic/sewer, storm water drainage, and garbage removal.

14. Water: The applicant has obtained the state approved water rights for the proposed use (#25-6829, a44207).

15. Access: The subject property is a flag lot that gains access from South State Street, which is a county road that receives maintenance at the subject location; the road become a Richmond City road approximately 300 feet north of the access point to the property.

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

16. The Road Manual specifies the following:

a. §2.4-A-1-c-iii – Unmanned utility facilities are exempt from meeting roadway standards.
See conclusion #3

17. A basic review of the access to the existing lots identifies the following:

a. The existing lot gains access from county road South State Street.

b. South State Street:

i. Is an existing county facility that provides access to the general public.

ii. Currently provides access to multiple dwellings, vacant lots, and agricultural parcels.

iii. Consist of an average 21-foot wide paved roadway with 4-foot gravel shoulders on both sides.

iv. Has an unknown depth and type of material.

v. Is maintained year round by the county.

c. Private Access Drive:

i. The subject property is a flag lot that is accessed by a private access drive measuring approximately 1,000 linear feet.

ii. Will provide access to the new well-house and water tank.

iii. Consists of an average 12' wide gravel road.

iv. Has an unknown depth of material.

d. The identified access roads will not be impacted by in an increase in Average Daily Traffic due to this proposal. *See conclusion #3.*

18. Parking:

a. §17.22 Off Street Parking Standards – All uses included under Use Index 5000, Public, Institutional, and Utility Uses, require a Parking Analysis be conducted to determine the required number of parking spaces needed to demonstrate that sufficient accommodation has been made for the volume of traffic expected to be generated by the size and type of the proposed use. The Parking Analysis must conform to §17.07.040 General Definitions and §17.22 Off Street Parking Standards. *See condition #4*

19. Refuse:

a. The applicant has stated that the on-site refuse will be transported to the Lower Foods primary facility in Richmond for weekly pickup. Logan Environmental will not need to access the site for pick-ups.

20. Fire: §16.04.080 [C] Fire Control – The County Fire District identified that the existing access is acceptable, but that future development on the property must be reevaluated and may require improvements based on the location of any proposed development. Water supply for fire suppression would be provided by the Richmond City Fire Department

F. Impacts and mitigation *See conclusion #1*

21. Utah Code Annotated §17-27a-506, Conditional uses, item 2-a specifies that “A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the

reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.”

22. The County Land Use Ordinance stipulates that:

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

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

- a. Sensitive Areas: The parcels proposed as part of the CUP contain the following sensitive areas:
 - i. The Richmond Irrigation Company canal runs north-south through west side of the property in the access drive area.
 - ii. The subject property is located within an Agriculture Protection area.

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

24. Public notice was posted online to the Utah Public Notice Website on 22 November 2017.

25. Notice was published in the Herald Journal on 26 November 2017.

26. Notices were posted in three public places on 22 November 2017.

27. Notices were mailed to all property owners within 300 feet and cities within 1-mile of the subject property on 22 November 2017.

28. 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 Land Use Ordinance and on the findings of fact as noted herein:

1. A Land Disturbance Permit is required for any future development. *See A-3*
2. The applicant shall operate the water utility storage and transmission facility in accordance with the Letter Intent provided and any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. *See A-4*
3. Prior to recordation, the applicant shall provide the Development Services Office a copy of a map showing the location of the transmission line connecting the well head to the industrial facility in Richmond City. *See D-12*
4. Prior to recordation, a Parking Analysis as defined by the Cache County Land Use Ordinance must be submitted to the Development Services Office for the review and approval of the Director to determine the sufficient number of parking spaces needed for the facility. *See E-18*

CONCLUSIONS (3)

Based on the findings of fact and conditions noted herein, the Lower Family Foods CUP is hereby approved as follows:

1. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Land Use Ordinance, and; *See B,C, D, E, F*
2. As per §17.02.060, Establishment of Land Use Authority, the Planning Commission is authorized to act as the Land Use Authority for this CUP request. *See C-6*
3. As per §2.4-A-1-c-iii, unmanned utility facilities are exempt from meeting roadway standards. *See E-15, E-16*





Development Service Department
179 North Main, Suite 305
Logan, Utah 84321
devservices@cachecounty.org

Re: Letter of Intent for Conditional Use Permit

To Whom It May Concern:

The purpose of this letter is to satisfy the requirements for the Letter of Intent necessary to complete the Conditional Use Permit Application for the Lower Foods 0.2 MG Tank and Well House Project, henceforth known as the Project.

The Project will provide additional industrial water supply to Lower Foods Inc. located at 700 S 200 W Richmond, UT 84333. Lower Foods Inc. requires large amounts of water for their food preparation processes such as flushing systems, thawing process, blanching processes, etc. In order to consume less culinary grade water for processes that do not require culinary grade water, Lower Foods Inc. has purchased land (Parcel # 08-002-0056) with an existing well head to build a 200,000-gallon tank and a well house to help provide water for none culinary grade processes.

The Project will develop the existing well head and place a well house on top of the well head for protection and storage of maintenance equipment. The well house will have an approximate structural foot print of 2,400 square feet. A 200,000-concrete tank will also be built to store water for future use. The tank will be built such that half of the tank will be below existing ground, with an approximate structural foot print of 2,000 square-feet. The half that will be exposed will have back fill placed round it such that it appears to be a small hill instead of a concrete block. The well house will also be designed to match the surrounding atmosphere.

The water the well provides and that is stored in the 200,000-gallon tank will be industrial water and will not be culinary water. The water right number for the well is 25-6829.

An access road will also be placed connecting the site to State Street. This road will be placed within the same parcel as the well house and tank. There will also be a small parking area near the tank and well house to provide parking for employees such that no vehicles will be parked on within the shoulder of State Street.

The site will be managed by one or two employees who will visit the site on a regular basis to maintain the well and ensure the site is running correctly. Their visits will be during normal business hours, 7 am to 5 pm Monday through Saturday, unless an emergency dictates otherwise. Customers are not to be permitted at this location.

After construction is complete, the site will receive deliveries infrequently, once every two to three months. These deliveries will consist of materials needed to maintain the necessary quality of the well water. The access road will be designed to accommodate delivery trucks. Semi-trucks will not be allowed to deliver the materials. All other shipping or receiving will be processed through Lower Foods main office located at 700 S 200 W Richmond, UT 84333.

No signage will be placed on the site in question. Although, equipment will be required. A well pump and motor will be located within the well house along with maintenance type equipment. The well house will have lighting.

On-site waste and garbage will be collected in garbage bins located on site. These garbage bins will then be emptied in the large dumpsters located at the main office for Lower Foods Inc.

If there are any questions or concerns, please feel free to contact us.

Regards,

Steven D. Wood



Civil Engineering Intern
Owner's Agent
435-563-37374
sdwood@sunrise-eng.com

Date: Oct-24-2017



STAFF REPORT: ZEOTECH – LITTLE MOUNTAIN MINE CUP

7 December 2017

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: Paul Leonard III

Parcel ID#: 13-004-0008, 13-004-0002,
& 13-005-0003 (part of)

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Cache County Planning Commission

LOCATION

Reviewed by Angie Zetterquist

Project Address:

~9282 North 5800 West
west of Trenton

Current Zoning:

Acres: 190.66

Agricultural (A10) and Mineral Extraction and
Excavation (ME) Overlay Zones

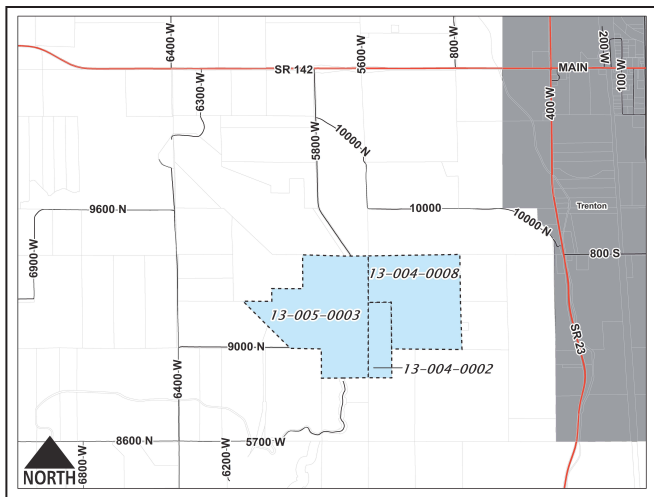
Surrounding Uses:

North – Agricultural

South – Agricultural

East – Agricultural

West – Newton Dam



FINDINGS OF FACT (22)

A. Request description

1. The Zeotech – Little Mountain Mine Conditional Use Permit (CUP) is a request for use type 7400 Mineral Extraction on 171.06 acres; the 138.56 acre parcel 13-004-0008, owned by Zeotech Corporation, and a 32.50 acre parcel 13-004-0002 and approximately 19.6 acres of parcel 13-005-0003, both of which are owned by the federal government.
2. On February 12, 2008, parcel 13-004-0008 was rezoned to the Mineral Extraction (ME) Zone (Ord. No. 2008-02). Parcels 13-004-0002 & 13-005-0003 were not a part of the rezone as they are federally owned property outside the jurisdiction of the County. **See conclusion #1.**
3. In December 2008, the applicant received a CUP approval for a mineral extraction operation and the permit was recorded on June 24, 2009. However, the permit expired on December 4,

2009, as a County business license had not been issued for the operation and there had been no substantial work accomplished towards the completion of the approved project as required per the conditions of approval for the CUP. The applicant is now reapplying for a CUP to commence a similar extraction operation as previously applied for in 2008.

4. The area proposed for extraction has high resource potential according to the Sand and Gravel Resource Potential map. (See Exhibit A) *See conclusion #1.*
5. §17.13 Mineral Extraction and Excavation – Specific requirements for this use type are identified under §17.13 of the County Land Use Ordinance. (See Exhibit B)
6. The proponent has provided a master plan/letter of intent (See Exhibit C) that details the operation as summarized here: *See conclusion #1.*

a. Extraction operation

- i. Active areas of material extraction will occur on 43.46 acres that affect all three identified parcels. In addition, there will be an entrance/access and retention basin area on parcel 13-005-0003 that will cover another 3.53 acres. The total affected area of land involved in the extraction process, per the master plan, is 46.99 acres. *See condition #1.*
- ii. The operation is divided into three phases.
 - A. Phase I is scheduled from years 1-25 and includes preparation of the site with roads and stormwater features as well as the extraction of the resource material. The applicant states in their master plan that the volume of exaction for Phase I will start at 6,349 cubic yards in year 1 and increase each year topping out at between 26,240 to 52,900 cubic yards in years 6 to 25. Truck trips, at 20 cubic yards per truck, will increase from 2-3 per day in year 1 to 10-14 in years 6-25. *See condition #2.*
 - B. Phase II is scheduled from years 25-45 with excavation volume expected to be less than 52,900 cubic yards per year. Truck trips will remain at 10-14 trips per day during this phase.
 - C. Phase III is scheduled from years 45-65 and is projected to maintain the same extraction volume and truck trips per day as Phase II until the resource is exhausted.
- iii. The location of the resource will require a minimum depth of extraction ranging from 55.74 feet to 147.98 from existing grade ranges over the site. The applicant has indicated in the master plan that less than three feet of soil and overburden will be removed from the extraction area and stock-piled on-site to be used for reclamation purposes.
- iv. An access road to radio towers on top of Little Mountain currently crosses the extraction site. According to the master plan, the access road will be realigned during the site preparation phase. The applicant, in coordination with the radio tower operators, must develop an access plan to ensure access to the towers is not interrupted by or impeded by the excavation operation. *See condition #3.*
- v. The excavation operations plan uses a 25-year measure in calculating storm water flows. A 100-year standard must be provided and the retention basins resized to handle the estimated flows. *See condition #2.*

b. Reclamation

- i. According to the master plan, resource extraction will begin from the turnaround/loading area and, as excavation progresses westward, finish surface

gradients not to exceed 3H:1V will be established along the eastern edge. Once extraction is complete in an area reclamation will begin. The overburden will be placed over the impacted area and graded with a layer of topsoil placed on top and reseeded with a native grass and forb mix to revegetate the area to match the unimpacted slopes. The applicant has also indicated they will use a “feathering” technique on the final graded surface as it transitions from the impacted area to existing ground surface. *See condition #4.*

- ii. The seed mix to be used for reclamation must be approved by the County Weed Department prior to application of the mix. *See condition #5.*
- iii. A noxious weed control plan must be provided for the review and approval of the County Weed Department and must be approved prior to recording the permit. *See condition #6.*
- iv. A reclamation agreement and bond must be in place prior to recording the permit. *See condition #7.*
- c. Storm water – The applicant has included general plans in the master plan for installation of stormwater features during Phase I, but prior to operation the applicant must obtain a Storm Water Pollution Prevention Plan (SWPPP) Notice of Intent for the affected areas. *See condition #8.*
- d. Dust control – This will follow best management practices that include watering the roadway with water trucks, limiting truck speed, and roadway maintenance. *See condition #9.*
- e. Number of employees – In the master plan, the applicant has indicated that there will be on-site and off-site operations requiring a maximum of 22 employees for mineral extraction, mineral processing, and packaging and shipping. There will typically be 3-4 employees during extraction operations.
- f. Hours of operation – Operation hours have not been provided by the applicant, but must be in conformance with §17.13.070 - Minimum Requirements (Exhibit B).
- g. Traffic and Parking – It is anticipated that approximately 3-10 employee vehicles may be on-site at any one time, and that there may be up to 14 trucks per day entering & leaving the site. Truck trips will exclusively travel north on 5800 West from the site and south from SR 142 to the site.

All uses included under Use Index 6000, Resource Production and Extraction Uses, require a Parking Analysis be conducted to determine the required number of parking spaces needed to demonstrate that sufficient accommodation has been made for the volume of traffic expected to be generated by the size and type of the proposed use. The Parking Analysis must conform to §17.07.040 General Definitions and §17.22 Off Street Parking Standards. *See condition #10*

- h. Signage – No signage is requested.
- i. Blasting – No blasting permit is requested.

B. CUP Standards and Criteria

- 7. §17.13.030 Schedule of Uses – Permit review must occur as specified under §17.06.050 [B] Conditional Uses, including consideration of health, safety, and welfare, compliance with law, adequate service provision, and impacts and mitigation. *See conclusion #1.*

C. Parcel legality – 17.10.020 [B] Establishment of Legal Lots

8. Requests for a rezone and a conditional use permit were both approved 2008 for a gravel pit on parcel 13-004-0008. This establishes 13-004-0008 as a legal parcel. **See conclusion #1.**
9. Parcels 13-004-0002 and 13-005-0003 are owned by the United States Government and not under the jurisdiction of the County as per §17.01.0.0 – Exemptions.

D. Authority

10. §17.02.060 Establishment of Land Use Authority – The Planning Commission is authorized to act as the Land Use Authority for conditional use permit requests for use type 6400 Mineral Extraction. **See conclusion #2.**

E. Access

11. Access to the site is from 5800 West, a county road, off of SR 142. (See Exhibit D)
12. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
13. The Road Manual specifies the following: **See conclusion #1.**
 - a. §2.1-A-4 Local Road, Table 2.2 Roadway Typical Sections: Roads with approximately 40 to 1500 Average Daily Traffic (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. Table 2.2 Roadway Typical Sections: Local roads must meet the minimum standards of a 66-foot wide right-of-way, two 10-foot wide paved travel lanes with 2-foot wide shoulders (1-foot-wide gravel and 1-foot-wide paved) for a total width of 24 feet.
 - c. §2.4-A-1-c: Development on inadequate roadways is not allowed, and any substandard sections of roadway access must be improved to meet the minimum standards specified in the Road Manual.
 - d. Table A-8 Typical Cross Section Structural Values: The minimum structural composition for paved roads requires gravel roads requires 14” depth of granular borrow and 6” depth of road base.
14. The Public Works Inspector has provided a basic analysis of 5800 West and identified that: **See conclusion #1.**
 - a. As county road 5800 West extends south off of SR 142 (Exhibit D):
 - i. The road begins at 28 feet wide paved with 4-foot wide gravel shoulders then narrows and varies in paved width from 23 feet to 25 feet with 4-foot gravel shoulders until it reaches the private access road to the site. This exceeds the county standard.
 - ii. The depth and type of material under the paved surface is unknown. **See condition #11.**
 - iii. The width of the right-of-way ranges from 50 feet to 60.8 feet from north to south until the road crosses through the federally owned parcel #13-005-0003 to access the private access road.
 - iv. This roadway receives year-round maintenance by the county.
 - b. From 5800 West, a private access road extends to the excavation operation:
 - i. The applicant indicates in the master plan that the existing access road will be upgraded during the Phase I site preparation and will include two 12-foot wide gravel travel lanes with 2-foot shoulders.

- ii. The subject properties contain moderate and steep slopes. New roads are not allowed in steep slope areas (30% or more) and require the submission of a geotechnical report to be reviewed and approved by the County Engineer prior to construction of the road. The depth and type of material of the private access road must meet the minimum county standards of a 6-inch deep untreated base course and a 14-inch deep granular borrow. *See condition #12.*
- iii. Private operators of the extraction operations are responsible for maintenance of the gravel roadway.

F. Service Provision

- 15. The County Fire District identified that the existing access is acceptable, and that: *See conclusion #1.*
 - a. Water supply for fire suppression will be provided by the Newton Fire Department.
 - b. Future development on the property must be reevaluated and may require improvements based on the location of any proposed development.
- 16. Logan City Environmental had no comment on the proposed extraction operation. *See condition #13.*

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

- 17. Public notice was posted online to the Utah Public Notice Website on 22 November 2017.
- 18. Notice was published in the Herald Journal on 26 November 2017.
- 19. Notices were posted in three public places on 22 November 2017.
- 20. Notices were mailed to all property owners within 300 feet of the subject property on 22 November 2017.
- 21. Trenton City and Newton City were noticed on 28 November 2017.
- 22. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (14)

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

- 1. Prior to recording the permit, the applicant and operator(s) must update and correct the Master Plan and related attachments in response to staff's comments and any comments or concerns raised by the Planning Commission during the public meeting. The revised Master Plan and related attachments must be reviewed and approved by the Director of Development Services or his designee to ensure it is consistent with this approval. The applicant and operator(s) must abide by the information as provided in the application and the information as identified in this report. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority.
- 2. Prior to recording the permit, the applicant and operator(s) must update the stormwater section of the Master Plan to reflect the standard 100-year design storm and provide that information to Development Services Department staff.
- 3. Prior to recording the permit, the applicant and operator(s) must work with the owner/operators of the radio towers on top of Little Mountain to provide continual access to their site during the extraction operation. *See A-6a-iv.*
- 4. The applicant and operator(s) must start reclamation immediately after extraction has ended in each impacted area. *See A-6b-i.*

5. The seed mix to be used for reclamation must be approved by the County Weed Department prior to application of the mix. *See A-6b-ii.*
6. Prior to recording the permit a noxious weed control plan must be provided for the review and approval of the County Weed Department and must be approved. *See A-6b-iii.*
7. Prior to any development activity, a reclamation agreement and bond that meets the requirements of §17.13.080 Reclamation Agreement must be in place. *See A-6b-iv.*
8. Prior to operation a Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent must be obtained for the affected areas. *See A-6c.*
9. Dust control must follow best management practices that include watering the roadway with water trucks, limiting truck speed, and roadway maintenance *See F-6d.*
10. Prior to recordation, a Parking Analysis as defined by the Cache County Land Use Ordinance must be submitted to the Development Services Office for the review and approval of the Director to determine the sufficient number of parking spaces needed for the extraction operation. *See A-6g*
11. Prior to recordation, the applicant and operator(s) shall take samples to determine the depth and material of the existing county road, 5800 West. The location of samples shall be determined by the County Engineer or County Road Department foreman. The applicant must provide a copy of documentation and professional verification of the samples to Development Services staff to determine if road improvements are required. *See E-14a-ii.*
12. Prior to recordation, the applicant and operator(s) shall submit a geotechnical report and complete road plan sets for the new private access road to ensure it meets county standards. *See E-14a-iii.*
13. The applicant and operator(s) must coordinate garbage service with Logan City Environmental or provide staff with information about alternatives. *See F-16.*
14. A copy of any required federal and state permitting must be submitted to the Development Services Office. Further, the applicant and operator(s) must provide written confirmation for the proposed operation from the relevant federal agencies that have jurisdiction over the federally owned parcels. Contact information for these agencies must also be provided.

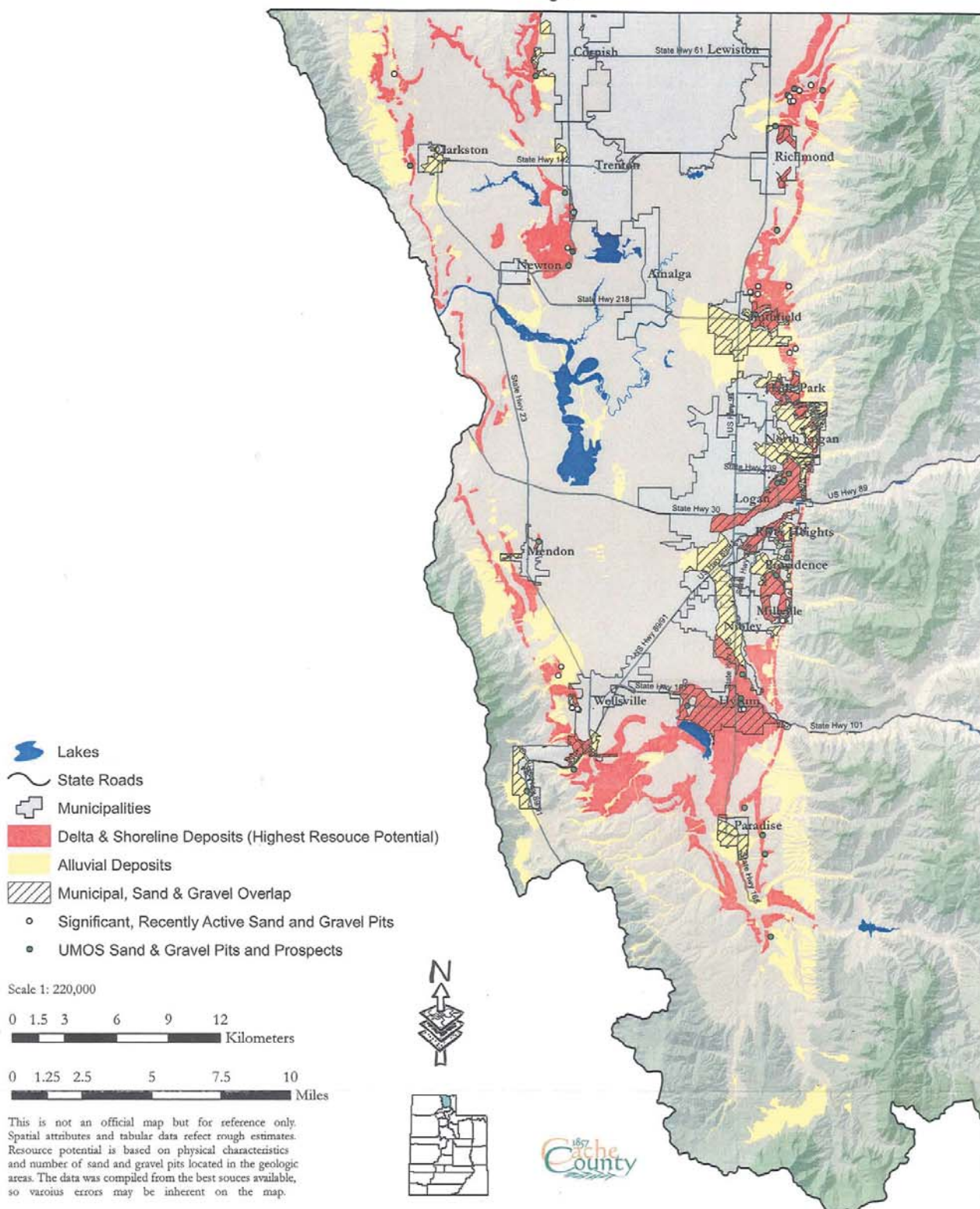
CONCLUSIONS (2)

Based on the findings of fact and conditions noted herein, the Zeotech – Little Mountain Conditional Use Permit is hereby approved as follows:

1. As specified under §17.06.050 [B] Conditional Uses, consideration of health, safety, and welfare, compliance with law, adequate service provision, and impacts and mitigation has been made and the Commission has determined that the proposed use is in conformance with the Cache County Land Use Ordinance. *See A-2, A-4, A-6, E-13, E-14, F-15.*
2. Per §17.02.060, Establishment of Land Use Authority, the Planning Commission is authorized to act as the Land Use Authority for the Zeotech – Little Mountain Conditional Use Permit application. *See D-10.*

Sand & Gravel Resource Potential

Cache County, Utah



SYMBOL	UNIT	MUNICIPAL ACRES	COUNTY ACRES	MAX THICK (FEET)	SORTING	ROUNDING	NUM PITS
Qlps	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
Qlps	Deltaic deposits, Bonneville level (transgressive)	665	416.35	16.4	mod. to well	subrounded to round	1
Qlps	Lacustrine gravel and sand, Bonneville shoreline (transgressive)	9	10402.73	65.62	well	subrounded to round	12
Qalv	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
Qafv	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
Qafv	Older fan alluvium	256	6973.7	32.81	poorly	angular to well	0

17.13 MINERAL EXTRACTION AND EXCAVATION

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17.13.010: Purpose

(Repealed by Ord. 2009-07)

17.13.020: General Requirements

The following are the general requirements for mineral extraction and excavation operations:

- 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.

17.13.030: Schedule of Uses

For a schedule of uses for the mineral extraction and excavation zone, refer to chapter 17.09, "Schedule of Zoning Uses", of this title. All commercial mineral extraction or excavation projects and associated accessory uses shall be allowed with a conditional use permit issued to the owner and/or operator of the property in accordance with the procedures set forth in section 17.06.050 of this title.

17.13.040: Site Development Standards

Site development standards for any mineral extraction or excavation operation shall conform to the base zoning district requirements as listed in Table 17.10.040 of this title. In the instance of conflicting or multiple base zoning districts on a single parcel, the more restrictive zone shall be applied across the entire parcel. Base zoning districts may be combined with an overlay zoning district on all or a portion of a parcel to alter, restrict, or allow specific development regulations.

17.13.050: Operation Categories

All mineral extraction and excavation operations shall be classified as one of the following two (2) categories:

- A. Commercial operations must be a minimum of 5 acres in size, and are operations that supply materials to the public on a continual, long term basis. All commercial mineral extraction and excavation operations shall file an operations and progress report with the Planning Commission every three (3) years. The report will summarize activities in fulfillment of the requirements for excavation and rehabilitation in compliance with the rehabilitation plan previously submitted to the Planning Commission. The conditional use permit shall remain in effect until such time that full reclamation has been made on the site.

- B. Temporary mineral extraction and excavation operations and associated uses, which may include, but not limited to, asphalt or concrete plants which are necessary to supply material for a specific project (i.e., road construction), or a minor extraction operation of less than five (5) acres. These operations shall be allowed within any zone of the county as a conditional use. These operations will have to operate under the same standards as a commercial operation; the termination of the specific project shall also terminate the conditional use permit and the use of the pit. Once the project is complete, the owner or operator shall begin closure and reclamation operations within six (6) months.

17.13.060: Mineral Extraction and Excavation Master Plan

All applications for a mineral extraction and excavation master plan shall be accompanied by the following materials:

- A. A completed application form for a conditional use permit;
- B. Evidence of ownership or control over the land and a legal description of the property where the extraction operation will be located;
- C. A site plan showing the following:
 - 1. Dimensions of the excavation site and of the parcel;
 - 2. Locations of clearances, rights of way, easements, utility lines, existing watercourses and drainage;
 - 3. Property lines with names and parcel tax identification numbers of adjoining property owners;
 - 4. Proposed ingress and egress;
 - 5. A contour map based on the USGS 7.5 minute quadrangle and estimate of materials to be removed, and;
 - 6. The location of the sand and gravel overlay area on the site.
- D. Excavation operations plan that outlines the following:
 - 1. Traffic arrangements proposed on existing roads and streets adjoining the site;
 - 2. The location, arrangement and dimensions of loading and processing facilities; and
 - 3. On site control of surface and storm water drainage.
- E. A reclamation plan addressing the following:
 - 1. Closure of the extraction operation stating the phasing, acreage and duration of the operation; and
 - 2. Financial guarantee for the rehabilitation and reclamation extraction operation.

17.13.070: Minimum Requirements

All mineral extraction and excavation operations shall comply with the following requirements:

- A. Warning signs, fences, trees and berms may be required;
- B. The operation shall obtain all necessary federal, state and local permits;
- C. The hours of operation for an extraction operation shall be limited based on the following:
 - 1. Extraction operation may operate from six o'clock (6:00) A.M. until eight o'clock (8:00) P.M.;
 - 2. The operation of the crusher to be allowed only from seven o'clock (7:00) A.M. to five o'clock (5:00) P.M.;
 - 3. No operation shall occur within the extraction operation on the following holidays:
 - a. Memorial Day;
 - b. July 4 and 24;

- c. Labor Day;
 - d. Thanksgiving;
 - e. Christmas; and
 - f. New Years.
4. The Planning Commission may allow for variation to the above hours and days of operation based on need and effect.
- D. All activities shall be maintained and operated in such a way as to minimize light, fumes, dust, and smoke emissions.

17.13.080: Reclamation Agreement

After the applicant has obtained approval of the mineral extraction and excavation master plan as described above, the approval shall be put in the form of a reclamation agreement negotiated by the County Attorney and executed by the County Executive pursuant subject to the direction of the Planning Commission. The agreement shall include the following:

- A. A legal description of the land;
- B. A copy of the conditional use permit;
- C. A copy of the approved mineral extraction and excavation master plan;
- D. All final grading and slope for reclamation of the extraction operation shall meet the requirements of appendix J of the currently adopted international building code;
- E. A financial guarantee for the rehabilitation and reclamation;
- F. Other specific requirements, rights and peculiarities pertinent to the project.

17.13.090: Compliance by Existing Operations

Compliance and enforcement under this chapter shall be subject to constitutional protections and state law regarding existing nonconforming uses. Requirements shall not be imposed that are unreasonable with respect to operations related to a nonconforming excavation that is legally proven to have occurred prior to the enactment of this chapter.

17.13.100 Areas of Potential Sand and Gravel Deposits

- A. Areas containing potential sand and gravel deposits have been identified and mapping is available when reviewing mineral extraction requests.

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MASTER PLAN
FOR THE
PROPOSED LITTLE MOUNTAIN MINE
GRAVEL RESOURCE AREA

OCTOBER 2017

PREPARED FOR:

CACHE COUNTY CORPORATION

&

ZEOTECH CORPORATION
FORT WORTH, TEXAS

PREPARED BY:

CACHE-LANDMARK ENGINEERING
95 WEST GOLF COURSE ROAD – SUITE 101
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Executive Summary

This master plan is written for Zeotech Corporation, Owner of the proposed Little Mountain Mine gravel resource area. This report has been written as partial fulfillment of Cache County Mineral Extraction and Excavation Master Plan requirements, Title 17.13.050 (Cache County Code).

The gravel resource area is proposed to encompass a total area of 43.46 AC to the excavation limit, plus an additional 3.53 AC necessary for access roads and retention ponds. The total accumulated area of 46.99 AC will be impacted for gravel extraction and operations. The proposed resource area is located on two adjacent parcels; Zeotech Corporation parcel (Tax ID #13-004-0008) and United States of America parcel (Tax ID #13-004-0002). The United States of America parcel is under the jurisdiction of the United States Department of the Interior, Bureau of Reclamation (Reclamation). Zeotech Corporation has worked through the NEPA process with Reclamation for all necessary approvals and agreements for cross-access and gravel extraction; a Finding of No-Significant-Impact (FONSI) was provided for the project on June 2009 and is attached herein as Appendix B. The Bureau was contacted by phone for this re-submittal and as long as the action alternative remains the same, the FONSI is still valid.

Excavation shall be implemented through a series of three phases. Production volumes are proposed to increase each year from year 1 through year 6. Production volumes have been based upon estimated volumes of the zeolite resource and projected sales. Gravel resource extraction is expected to continue for 25 years and beyond.

Slope restoration and reclamation is proposed to be ongoing as final grade surfaces are established in the resource area. The pit is proposed to take a “back-door” approach by beginning the excavation process on the eastern most portion of the identified resource. This approach shall allow for establishment of finish grade surfaces at higher elevation prior to exhaustion of the resource. Post-operations reclamation shall include full vegetative restoration and contouring of the finish grade surface.

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1.0 Introduction and Master Plan Overview

Zeotech Corporation has identified and delineated a clinoptilolite (natural zeolite mineral) deposit on the northwest flank of Little Mountain in Cache County, Utah. The deposit is located in Section 4, T13N, R1W between the towns of Trenton and Newton in northern Cache Valley and about 15 miles north of Logan, Utah. The zeolite mineral occurs as an alluvial deposit that contains zeolite mineral ore clasts that vary in size from 12 inches to the size of a sand particle. The Utah Department of Natural Resources has determined that the deposit shall be governed under “Sand, Gravel and Rock Aggregate” regulations. Zeotech Corporation has purchased a large portion of this deposit, approximately 138.56 acres in the NW quarter of section 4 and they are proposing an agreement with the US Bureau of Reclamation for the rights to extract mineral from an adjacent 32.5 acres owned by the United States Government.

In July and August, 2006 Zeotech drilled 16 holes in USBR and private lands to determine the nature and extent of the zeolite deposit. Results of the work determined that the deposit contains in excess of two million tons of clinoptilolite ore ranging from about 10 feet to over 100 feet thick. The ore is a potassium clinoptilolite with 70 to 80 percent zeolite mineral content. A truckload sample was loaded and sent to Zeotech’s Tilden, Texas plant where it was processed and has been evaluated for various applications.

The proposed mineral extraction will consist of removal of soil and overburden (less than 3 feet) that will be stockpiled on-site. The extraction process is a typical dry excavation process. No water is anticipated in the extraction and processing stages, due to naturally occurring moisture rates of 10%-12%. It is expected that Zeotech will perform primary crushing at the excavation site, and haul the material to an off-site location for further size reduction and processing as needed.

Gravel mining operations are typically identified as potential contamination sources to ground water because they are located in very permeable soils. However, because of the nature of the zeolite material and its absorptive capabilities, the potential for groundwater contamination is greatly reduced.

This Master Plan has been divided into the following sections:

2.0 Site Access, Circulation, Staging and Transport

This section will focus on providing the necessary access to site, addressing any impacts to existing roads and how those will be addressed. This section will also discuss necessary haul road widths, slopes and proposed improvements, turnaround areas, material deposition locations, safety and controlled access.

3.0 Excavation, Implementation and Operations

This section will include reference to topographic maps of pre- and post- operations conditions. A general description of operations will be defined as well as estimated

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volumes of material. An implementation and schedule of operations will be developed to show the order of excavation from implementation to final closure.

4.0 Storm Water Management, Erosion Control and Pollution Prevention

This section will focus on providing best management practices for the operator to follow. An outline of the intended storm water capture area and retention basin locations are provided as well as required storage volumes and sediment reduction strategies.

5.0 Reclamation and Restoration

This section will provide the necessary information and procedures for restoring the post-project site to pre-project vegetation and infiltration conditions in order to protect the ground water and the environment.

The Owner will follow the general sequence of major activities listed below:

- Install and stabilize new entrance
- Construct and excavate for haul road to staging/turnaround area
- Construct necessary road improvements to maintain access road to radio tower
- Abandon and reclaim old road entrance
- Clear brush and other vegetation for site excavation of first 5-acre parcel
- Install erosion control measures, including retention basin #1
- Strip the topsoil and overburden (subsoil), stockpile on site
- Excavate materials to be moved to the off-site processing location
- Haul excavated material to off-site processing location
- Maintain and groom the haul roads
- Finish slopes according to specifications
- Replace and compact clay material to meet permeability requirements
- Replace topsoil and reseed with vegetation
- General cleanup
- Seed and stabilize disturbed areas where required
- Restore resource area to previous vegetative coverage

The gravel resource area will be restored to Bureau of Reclamation standards to meet the goals of the Newton Reservoir Resource Management Plan.

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2.0 Site Access, Circulation, Staging and Transport

Site Access

Transport and other heavy vehicle access to the proposed gravel resource area will be from State Road 142, north of the property, through 5800 West and onto a newly constructed haul road as shown in Appendix A (*Sheet MP1.4 – Circulation and Access*). No transport or heavy vehicle access to the property shall be allowed from the south.

Currently, there is an access easement and unimproved road, which provides access to the radio towers on top of Little Mountain. This access easement will be re-aligned after construction of the new haul road and access will be maintained to these radio towers. Temporary access shall be maintained during the course of construction.

Access to the site will be controlled through the use of gates and fencing. It is proposed that a gate be installed just south of the intersection of the haul road and the radio tower access road. It is also proposed that the gate for the radio tower access road be relocated to the intersection of the new access road extension and the haul road (*See Sheet MP1.4 – Circulation and Access*). Fencing is proposed around the perimeter of the site. Existing fencing shall be maintained and repaired as necessary. New fencing is proposed along the western boundary of the property, providing restricted access to the proposed gravel resource area. Proposed locations for this fencing are shown on *Sheet MP1.4 – Circulation and Access*.

Circulation

The new haul road shall intersect 5800 West as shown in Appendix A (*Sheet MP1.4 – Circulation and Access*). The haul road shall be constructed as a two-lane gravel road. The lane width shall be 12' each way with a 2' shoulder, the roadway shall be crowned at 2% to the shoulder, and the shoulder shall slope at 4%. The roadway cross-section shall consist of a minimum of 4" compacted road base over 12" pit run. Operator to conduct all necessary geotechnical testing to ensure this recommended cross-section is suitable, operator may adjust depths as necessary based upon on-site conditions. Haul road shall not exceed a slope of 8% from intersection to turnaround/staging area.

Staging

A turnaround, loading and staging area shall be constructed. It is anticipated that this area will provide enough area to load the haul truck, provide material stockpiling and screening areas and equipment storage/parking. Primary crushing to minus 3" material is proposed in this area. Additional material processing shall be done at an off-site location. Preliminary layout and dimensions for this area are shown on *Sheet MP1.4 – Circulation and Access*.

Transport

It is anticipated that primary crushing, minor screening and material stockpiling shall be done on-site. Processing of resource material shall be conducted at an off-site location. Transport of material shall be conducted on an incremental scale as production and sales

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volume increases (*See Table 2.1 below*). Estimates have been based upon +/- 20 cubic yards/truck, however more volume per load is feasible. Operator to ensure all transport vehicles meet minimum state and local standards and total allowed transport weight is not exceeded. Production projections have been estimated as follows:

<u>Phase</u>	<u>Year</u>	<u>Excavation Volume</u>	<u>Tonnage</u>	<u>Truck trips/day</u> (+/-20 cy/truck)
1	1	6,349 cubic yards	6,000 tons	2-3
1	2	10,580 cubic yards	10,000 tons	3-4
1	3	15,870 cubic yards	15,000 tons	5-6
1	4-6	26,450 cubic yards	25,000 tons	6-10
1	6-25	< 52,900 cubic yards	< 50,000 tons	10-14
2	25-45	< 52,900 cubic yards	< 50,000 tons	10-14
3	45-65	< 52,900 cubic yards	< 50,000 tons	10-14

Table 2.1 – Production estimates and truck trips per day.

3.0 Excavation, Implementation and Operations

ZeoTech will extract zeolite resource from an area of 43.46 acres covering both previously mentioned properties. The entrance/access and retention basin area will cover another 3.53 acres as shown in Appendix A (*See Sheet MP1.1 – Adjacent Lands/Area Dimensions*). The total impacted area is approximately 46.99 acres.

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Excavation and Implementation

Excavation will begin at the proposed intersection and access road and will proceed in three Phases until the Zeolite resource is exhausted. The excavation will begin in order to complete the access/haul road up to the turnaround/loading area (*See Sheet MP1.4-Circulation and Access, Appendix A*). Once the access/haul road has been constructed and all storm water features are in place, resource extraction will begin. See Appendix A (*Sheet MP1.6 – Phasing and Operations*). The areas and estimated excavation volumes are summarized in Table 3.1.

<u>Phase</u>	<u>Purpose</u>	<u>Area</u>	<u>Volume</u>
1	Roads and Basins	10.22 acres	506,983 cubic yards
	Resource	22.82 acres	1,364,677 cubic yards
2	Resource	16.72 acres	1,091,948 cubic yards
3	Resource	17.39 acres	1,136,517 cubic yards
Closure	Total Excavation	46.99 acres	4,100,125 cubic yards

Table 3.1 – Phasing areas and volumes.

Resource extraction will begin from the turnaround/loading area. Excavation of material will include stripping of topsoil and overburden to be used to reclaim finish grades as established. As excavation progresses finish surface gradients not to exceed 3H:1V shall be established along the eastern edge. It is proposed that the finish grade slope of the eastern edge be established as soon as possible as excavation and resource extraction moves westward.

Operations

The unique properties of clinoptilolite natural zeolite make it suitable for a wide variety of applications. A great many of the commercial uses are beneficial to the natural environment. This is due to the ability of zeolite to trap ammonia, heavy metals and to reduce the rate of nutrient leaching in potting mixes and in soils. Zeolite fed to animals buffers ammonium ions through the gut and results in less odorous manure and higher nitrogen values retained in the manure. It also binds mold toxins (mycotoxin) in the gut allowing improved animal performance. When added to compost piles, the zeolite again traps and holds ammonia to make an improved compost product. Applied in fine, granular form, it reduces nutrient leaching from lawns and golf courses into waterways and it provides more nutrients over a longer period of time to the plant root.

In cat litter and animal bedding applications the zeolite absorbs urine and fecal odor resulting in an improved environment. In a totally separate application, University testing has shown efficacy in replacing up to 20 percent Portland cement in concrete mixes. It has been calculated that placement of each ton of zeolite in cement would reduce carbon dioxide emissions by approximately 1,000 lbs. This is due to elimination of an equivalent amount of calcined limestone. Calcining of limestone gives off carbon

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dioxide. Zeolite has been used since Roman times in mortar mixes for brick and stone laying.

The Little Mountain zeolite, subject to additional testing, appears suitable for water filtration. Zeotech would shift existing production of over 2,000 annual tons to the Little Mountain deposit. Filtration of water is used in municipalities, industrial polluted water and in swimming pools. The zeolite removes turbid (dirt) particles to make the water clear and clean. In many applications, zeolite is used to reduce turbidity prior to reverse osmosis in order for reuse of sewage and industrial polluted waters. Projections of the magnitude of capital investment and expenditures to produce a ton of finished product are not entirely known as of January, 2017. A general estimate is that in the first three years of the project, the investment is expected to exceed one and a half million dollars for equipment and infrastructure. It is also assumed that about 65 percent of the gross sales dollars of product produced will be spent on production costs. Production costs include labor, fuel, parts and supplies, contract labor and consultants, accounting, transportation, royalties and costs of marketing the products. The majority of the expenditures will be within Cache Valley or within Utah.

Mineral extraction and haulage to a process site may be contracted until the volume reaches about 15,000 tons annual production. A local contractor employing 3 to 4 people would be hired. Zeotech may opt to do its own extraction, primary crushing and hauling at levels of production above 15,000 tons. Again, this process would employ three to four individuals. Once the ore is extracted and shipped to the plant, the labor would be divided into Processing and Packaging. In order to process 10,000 to 25,000 tons, employment needs would be from 4 to 8 full-time employees. Packaging labor is the least technically demanding job and requires the most people. In an operation that produced 25,000 tons of which 15,000 tons were packaged, the employee needs would be about 10 for packaging lines.

<u>Job Type</u>	<u>Number of Employees</u>
Mineral Extraction and Hauling	3-4
Mineral Processing	4-8
Packaging and Shipping	6-10

Table 3.2 - Employees required for 10,000 to 25,000 annual tons production.

4.0 Storm Water Management, Erosion Control and Pollution Prevention

The excavation of zeolite material from this proposed resource area has been given an exemption from the “Utah Mined Land Reclamation Permitting Requirements” by the State of Utah, Department of Natural Resources, Division of Oil, Gas and Mining. Furthermore, this resource area is qualified for a regulation under “Sand, Gravel and Rock Aggregate” definitions as stated in a letter from State’s Minerals Regulatory Program, dated November 15, 2006.

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Excavation from these types of operations is an ongoing process where stabilization is not possible on the excavated surface. However, the operator shall ensure all structures to control storm water will be in place and slopes will be stabilized according to storm water runoff regulations and required permits. Once finish grades are established and topsoil has been replaced all slopes will be seeded to prevent future erosion.

Stormwater control channels and berms will be used to convey water to proposed catch basins, settling ponds, and retention areas (*See Sheet MP1.5 Stormwater and Erosion Control, Appendix A*). Structures have been proposed where necessary to keep sediment from leaving the property boundaries.

Storm water management will be under the direction of State of Utah regulations and the required storm water permit. The Owner/Operator shall agree to obtain the necessary storm water permit from the State of Utah.

All of the erosion control management will be in accordance with the specifications in this Master Plan and the storm water permit. Once the structures are in place they will be maintained and cleaned in accordance with storm water permit and this Master Plan. The Owner/Operator shall inspect and evaluate the storm water control measures at least once a year and during storm events.

The Owner/Operator shall follow the storm water maintenance and inspection procedure listed below:

- All control measures will be inspected at least once each week and after a storm event of 0.5 inches or greater.
- All measures will be maintained in good working order; if a repair is necessary, it will be initiated within 24 hours of report.
- The sediment basin will be inspected for depth of sediment, and built up sediment will be removed when it reaches 10 percent of the design capacity or at the end of the job.
- Any diversion dikes will be inspected and any breaches promptly repaired.
- A maintenance inspection report will be made after each inspection, inspections shall be made at a minimum of every 7 days or every 14 day and after a storm water even with an accumulation of 0.25 inches or greater.
- All non-storm water discharges will be directed to the sediment basin prior to discharge.
- The operator agrees to maintain the retention basins for up to two years after the resource area (the project) has been reclaimed. The project shall be evaluated prior to the removal and reclamation of the retention basins.

Sheet MP1.5-Stormwater and Erosion Control in Appendix A shows the proposed elements of storm water and erosion control. The proposed channels adjacent to the haul road are the primary conveyance for storm water and sediment. The channels carry water to two proposed inlets that convey water into Basin #1 through a stabilized outlet. The primary function of this basin is for the settlement of silt and other suspended solids, it

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actually functions as a detention basin holding water until full enough to overflow through an outlet structure and back into the channel. From here the water flows to a second set of inlets conveying water into retention Basin #2.

As directed by the Cache County Development Services Department a 25-year design storm was used with duration of one-hour. The rational method was used to calculate runoff generated from this design storm and to determine a total storm water storage volume that would be required. The total required storage volume is 112,439 cubic feet. The combined storage volume provided by Basin #1 and Basin #2 is 116,221 cubic feet. More detailed information and additional notes can be found on Sheet MP1.5 in Appendix A.

5.0 Reclamation and Restoration

A final grading plan has been prepared to show the finish grade slopes and landform after resource exaction is complete (*See Appendix A, Sheet MP1.7-Final Grading Plan*). The final grading plan is intended to show grades after replacement of all stockpiled overburden and topsoil. Finish gradients are not to exceed one foot of vertical height to three feet of horizontal height (3H:1V) on any portion of the impacted area. Owner/Operator will ensure “feathering” of the final graded surface as it transitions from impacted area to existing ground surface. This “feathering” is intended to achieve a

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geomorphic surface as it relates to the contour of the un-impacted slopes surrounding the project.

It is proposed that this finished surface be established as soon as possible within the operation and implementation of each phase of work. The finish grade surface shall be established and restored by replacing overburden material and compacted sufficiently to achieve stability without affecting permeability; this layer will then be overlain with topsoil prior to any re-vegetation (*See Detail Sheet MPI.7*). Once the topsoil layer has been replaced surface shall be re-vegetated with native grass and forbs species found on nearby un-impacted slopes. Owner/Operator shall implement erosion control and slope stabilization measures as necessary to ensure topsoil and overburden layers do not migrate and to facilitate vigorous establishment of re-vegetation.

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APPENDIX – A: MASTER PLAN DRAWINGS

- MP1.0 – Cover Sheet and Vicinity Map
- MP1.1 – Adjacent Lands/Area Dimensions
- MP1.2 – Existing Topography and Site Features
- MP1.3 – Test Pit Locations
- MP1.4 – Circulation and Access
- MP1.5 – Stormwater and Erosion Control
- MP1.6 – Phasing and Operations Plan
- MP1.7 – Final Grading Plan
- MP1.8 – Cross-Sections

NEWTON, UTAH

SHEET INDEX	DESCRIPTION	SHEET
	COVER SHEET	MP1.0
	ADJACENT LANDS	MP1.1
	EXISTING TOPO AND FEATURES	MP1.2
	DESIGN CONCEPTS	MP1.3
	COLLIMATION AND ACCESS	MP1.4
	STORMWATER & EROSION CONTROL	MP1.5
	PHASING AND OPERATIONS	MP1.6
	FINAL GRADING PLAN	MP1.7
	CROSS-SECTIONS	MP1.8

PHOTO OF RESOURCE AREA - DECEMBER 2007

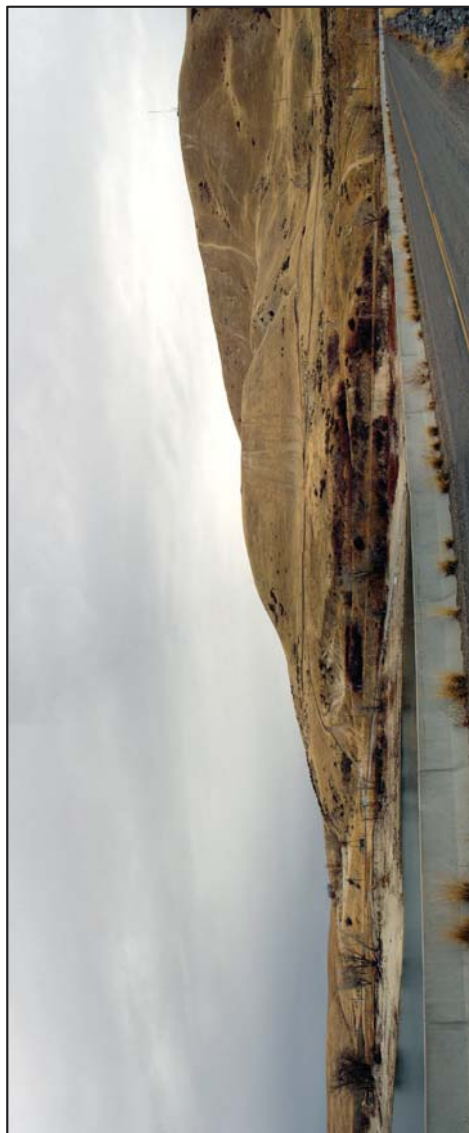
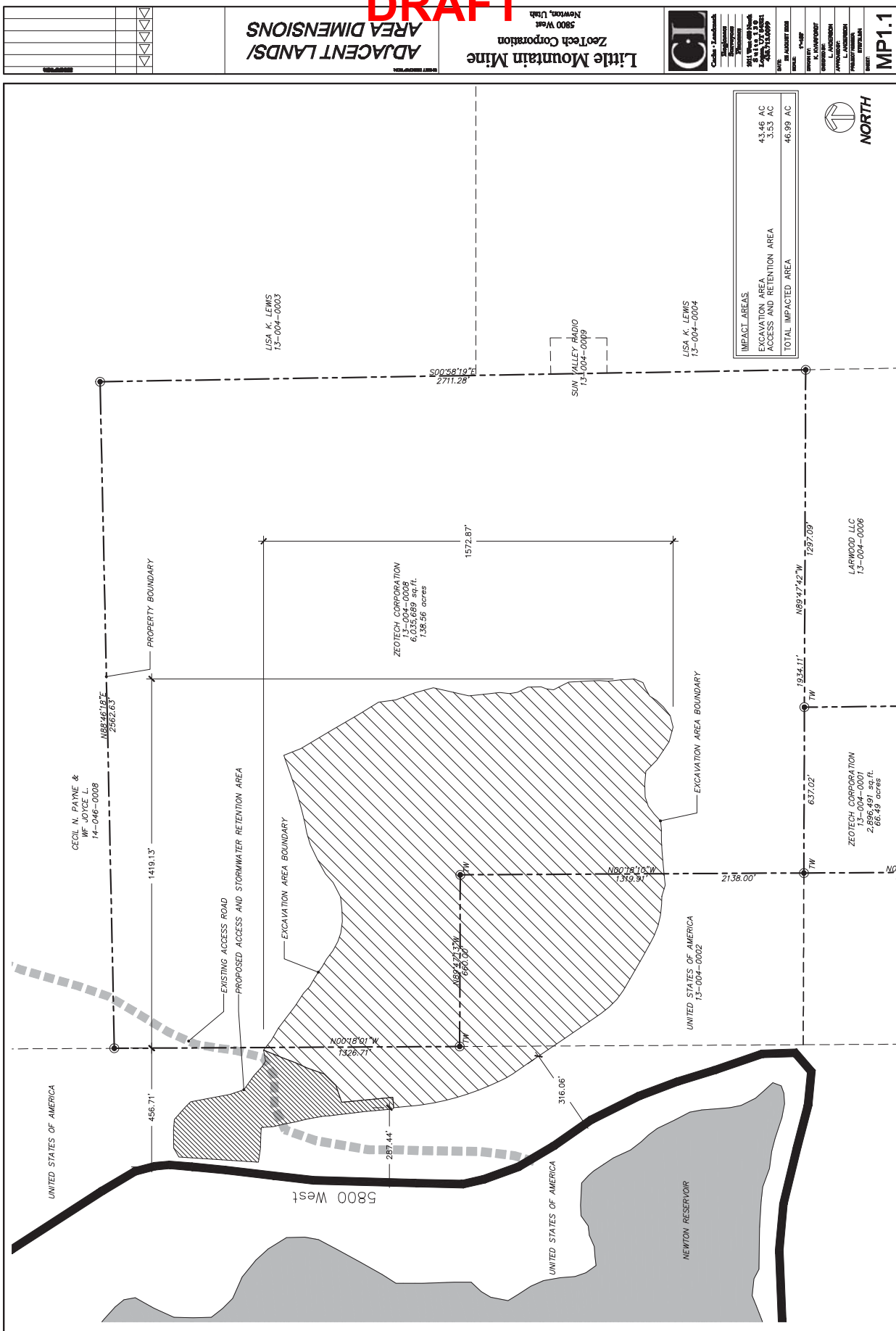


PHOTO OF RESOURCE AREA - DECEMBER 2007



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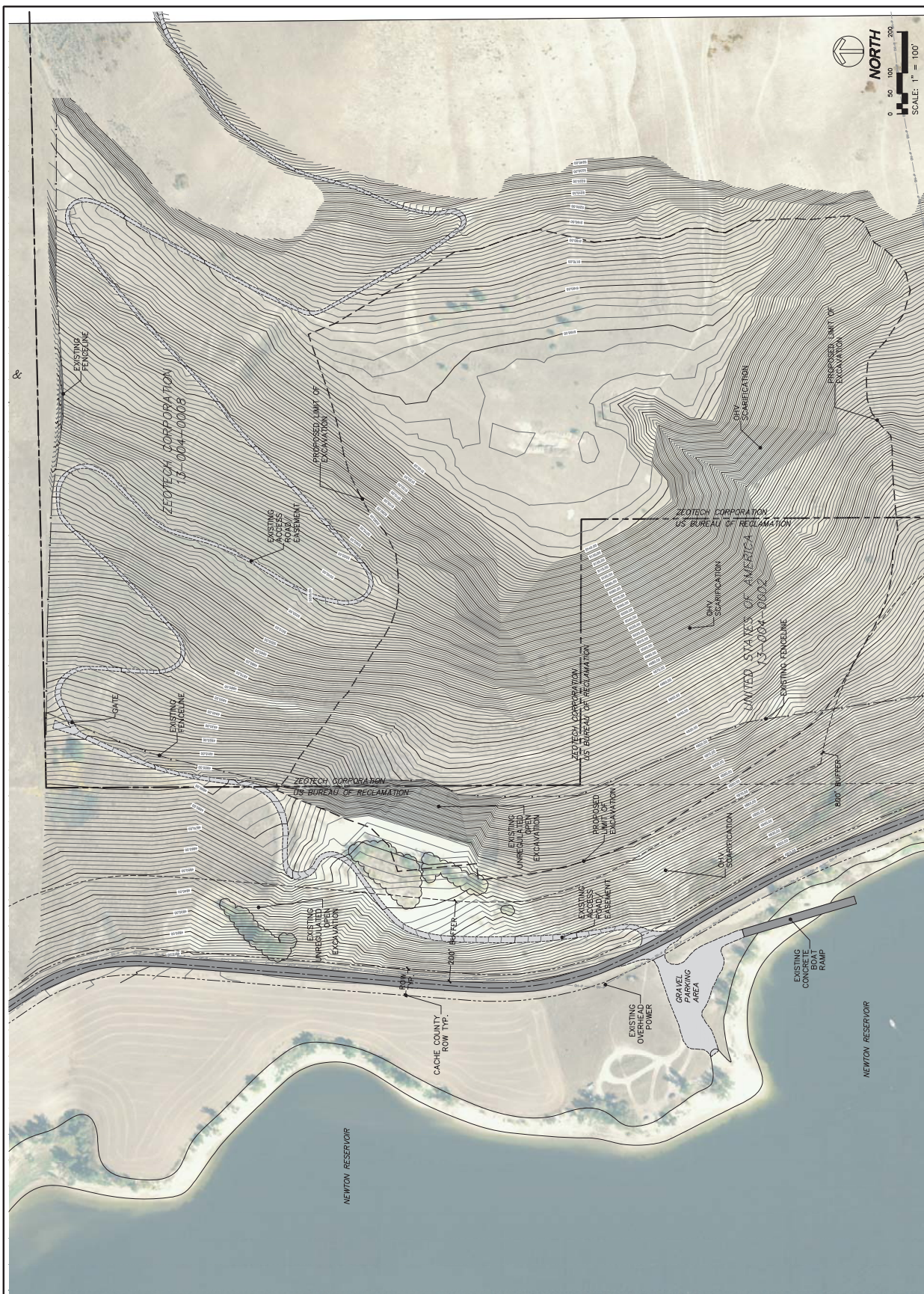
EXISTING TOPO
SITE FEATURES

Little Mountain Mine
ZeoTech Corporation
5800 West
Newton, Utah



Cash • Landmarks	1911 West 400 North	1-107	1-107
Handwriting	Suite 130	1-107	1-107
Business	1000 1/2 West 400 North	1-107	1-107
Finance	1000 1/2 West 400 North	1-107	1-107
	406.713.0079	1-107	1-107

MP1.2



TEST PIT RESOURCE DEPTH CHART

TEST PIT	EXIST. EL.	RESOURCE DEPTH	BASE EL.
TP-101	4910.85	19.85	4891.00
TP-102	4946.03	.03	4946.00
TP-103	4931.11	50.11	4881.00
TP-104	4950.87	73.87	4877.00
TP-105	4950.06	0	4950.00
TP-106	4958.99	0	4959.00
TP-107	4896.13	.13	4896.00
TP-108	4864.03	.03	4864.00
TP-109	5047.65	0	5048.00
TP-110	5158.03	0	5158.00
TP-111	5145.48	147.98	4997.50
TP-112	5146.19	59.94	5086.25
TP-113	5147.88	71.03	5076.85
TP-114	5136.51	.01	5136.50
TP-115	4904.26	.76	4903.50
TP-116	4962.24	55.74	4906.50
TP-117	5144.70	105.20	5039.50

TEST PIT LOCATIONS

Little Mountain Mine
Zeotech Corporation
5800 West
Newton, Utah
86457-3009

UNITED STATES OF AMERICA
13-004-0002

ZEOTECH CORPORATION
13-004-0008

NEWTON RESERVOIR

EXISTING CONCRETE RAMP

GRAVEL PARKING AREA

EXISTING ACCESS ROAD/EASEMENT

PROPOSED LIMIT OF EXCAVATION

EXISTING FENCELINE

EXISTING FENCING

EXISTING BUILDING

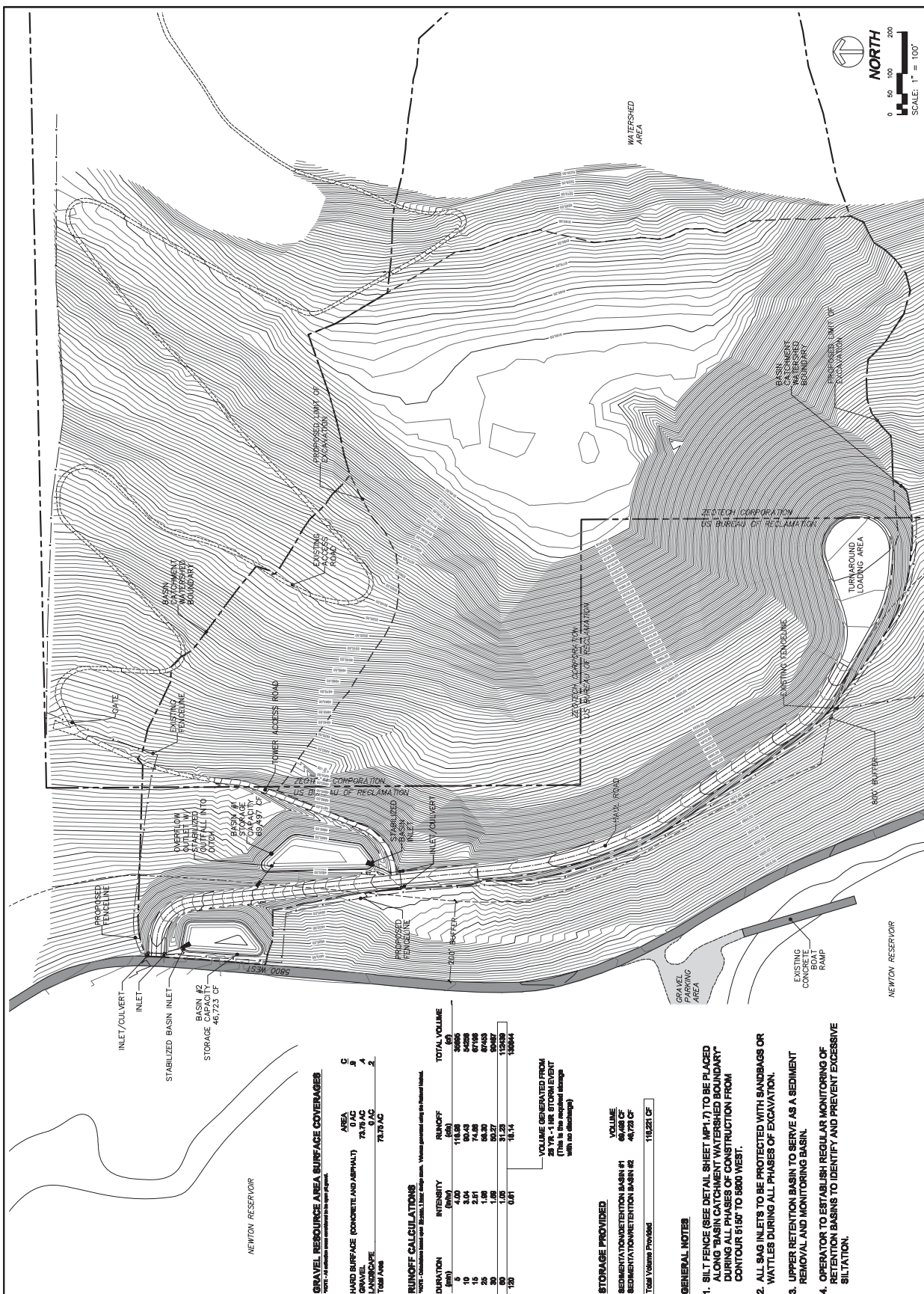
BULK PIT

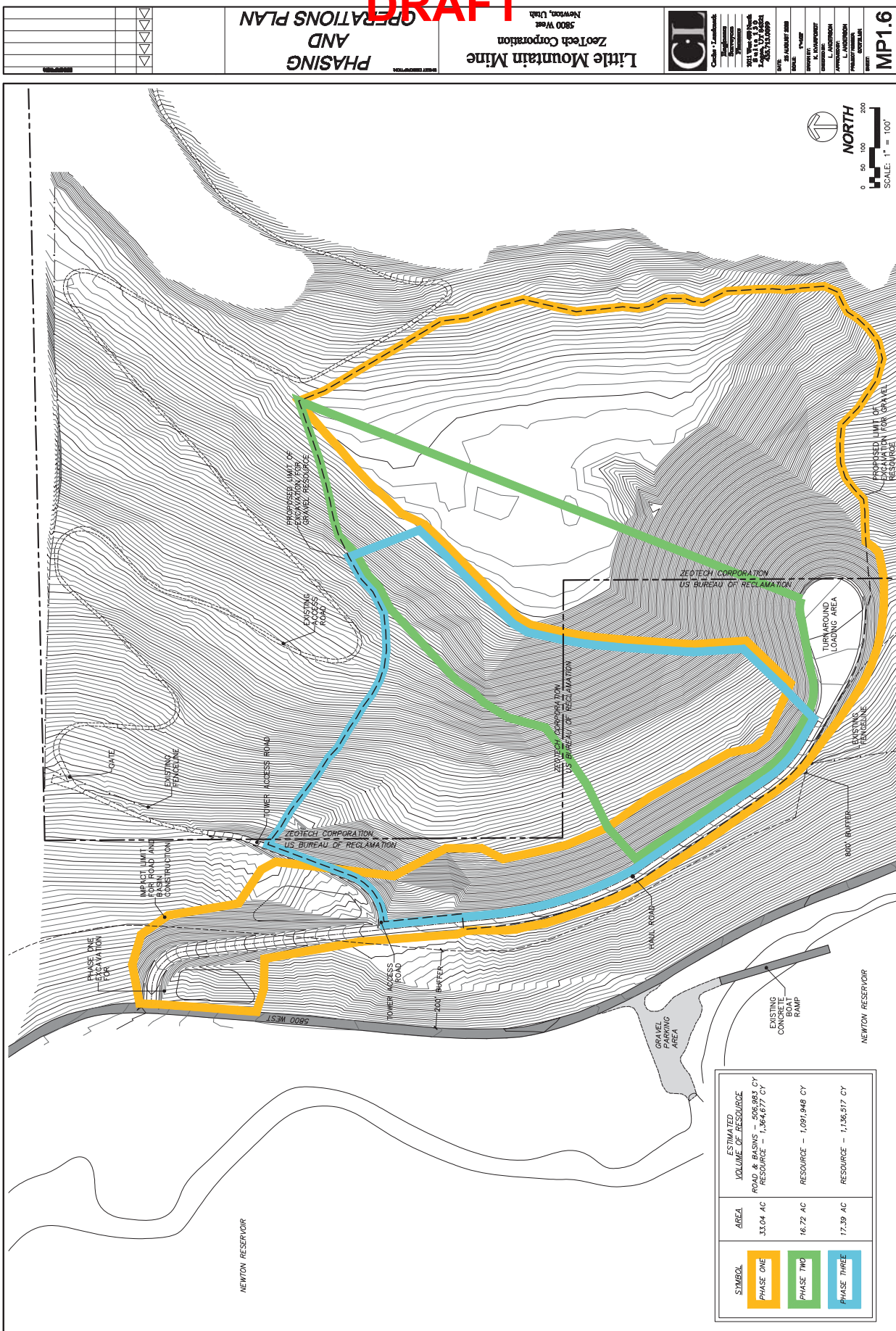
PROPOSED UNIT OF RECLAMATION

800' BUFFER

SCALE 1" = 100'

NORTH





CROSS-SECTIONS

Little Mountain Mine
ZeoTech Corporation
5800 West
Newton, Utah



Cactus • Landscaping

Wrightson

Barryman

Flannery

1011 West 400 North
Suite 130
Logan, UT 84321
435.713.0099

DATE: 01/10/2008

DATE	1-2-77
BY	

K. KWARFOROT

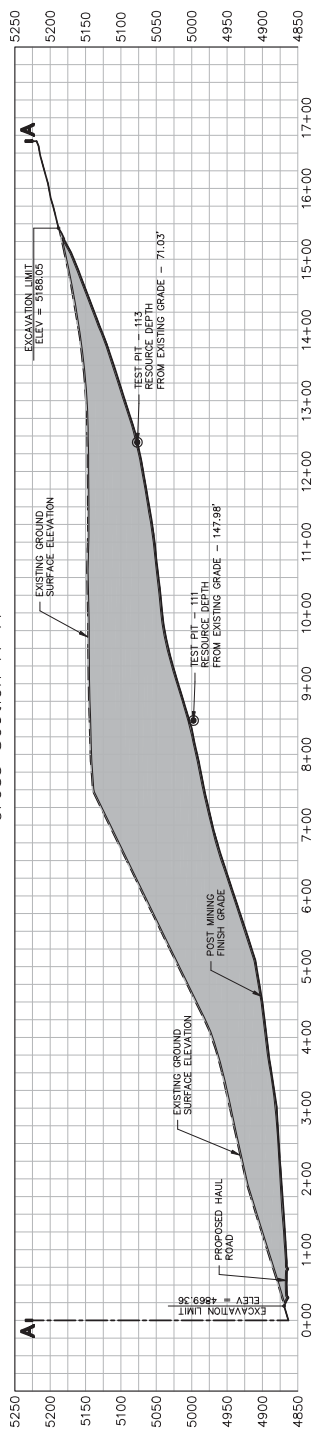
ASSIGNED BY:
L. ANDERSON

NAME	LAST FIRST
NUMBER	1 2 3 4 5 6 7 8 9 10 11 12
ADDRESS	STREET CITY STATE ZIP
TELEPHONE	AREA NUMBER NUMBER
DATE	MONTH DAY YEAR
SIGNATURE	NAME
PRINT NAME	NAME
DATE	MONTH DAY YEAR
TELEPHONE	AREA NUMBER NUMBER
ADDRESS	STREET CITY STATE ZIP
NUMBER	1 2 3 4 5 6 7 8 9 10 11 12
NAME	LAST FIRST

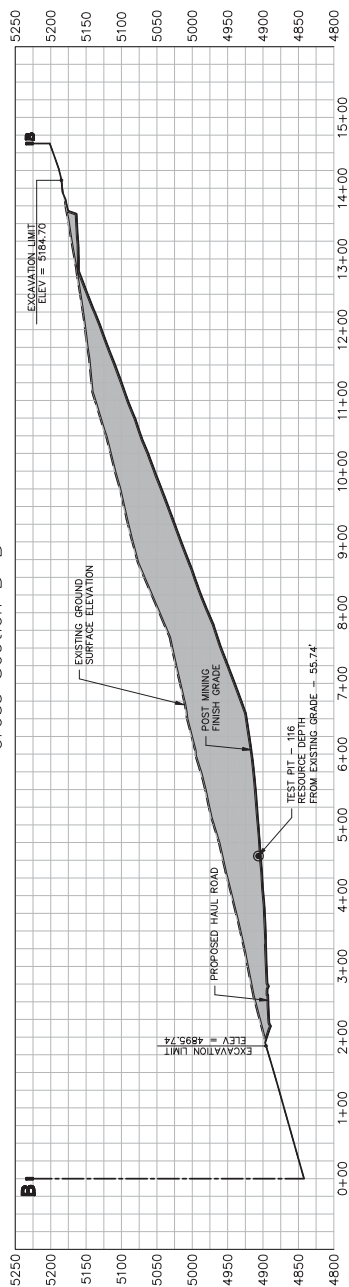
<p>QUESTION</p>	<p>ANSWER</p>
------------------------	----------------------

MP1.8

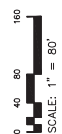
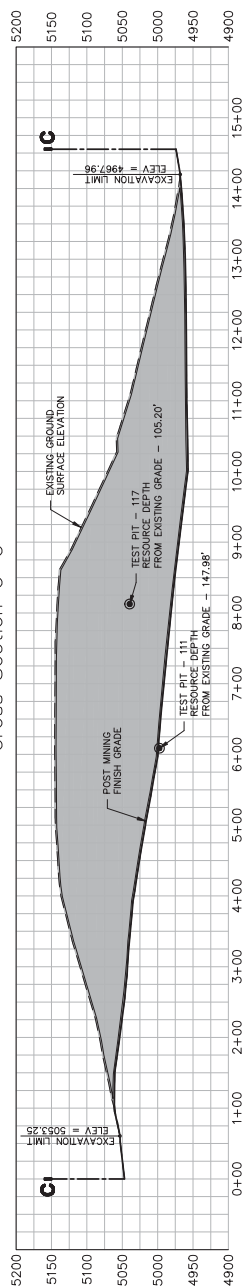
Cross Section A-A



Cross Section B-B



Cross Section C-C



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**APPENDIX – B: FINDING OF NO SIGNIFICANT IMPACT
(FONSI)**

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PRO-FONSI-09-004

**FINDING OF NO SIGNIFICANT IMPACT**

**Newton Reservoir
Mineral Extraction
Environmental Assessment
Cache County, Utah**

United States Department of the Interior
Bureau of Reclamation
Upper Colorado Region
Provo Area Office
Provo, Utah

Recommended by:

Chief, Environmental Group

Date

Concur:

Chief, Water and Environmental Resources Division

Date

Approved by:

Bruce C. Barrett
Area Manager, Provo Area Office

Date

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FINDING

The Bureau of Reclamation (Reclamation) finds that the proposed action alternative as set forth in the Newton Reservoir Mineral Extraction Environmental Assessment (EA) will not have a significant impact on the quality of the human environment and that an environmental impact statement is not required. This decision was based on a thorough review of the EA and public comments received on the EA. This decision is in accordance with the National Environmental Policy Act (NEPA) of 1969 (Public Law 91-90), as amended, the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1500-1508), and the Department of the Interior Regulations for Implementation of the National Environmental Policy Act (NEPA) of 1969, 43 CFR Part 46.

DECISION

Reclamation has decided to authorize the proposed action allowing Zeotech Corporation to extract gravel from Reclamation lands and construct an access road and staging area for gravel extraction. Zeotech Corporation will construct all proposed improvements using non-federal funds. Should roadway improvements be needed outside the project area analyzed in the EA, Zeotech Corporation would be responsible for negotiating improvements with Cache County Corporation, with all improvements completed by Cache County Corporation with an agreement for cost sharing with Zeotech Corporation.

REASONS FOR THE DECISION

A finding of no significant impact is based on the following:

1. The proposed action will have no adverse effect on such unique characteristics as cultural resources, wilderness areas, wetlands, and riparian areas.
2. The environmental effects of the proposed action are neither controversial nor do they involve unique or unknown risks.
3. The proposed action will have no adverse effect on species either currently listed or proposed for listing as candidate, endangered, or threatened species, and no adverse effect on designated critical habitat for these species.
4. The proposed action does not threaten to violate Federal, state, or local laws or requirements imposed for protection of the environment.

Reclamation has analyzed the environmental effects, public comments, and the alternatives in detail and believes that the proposed action alternative best meets the purpose and need described in the EA.

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PUBLIC INVOLVEMENT

A public scoping period was conducted from October 9 to November 14, 2008, to provide the public an opportunity to give input regarding the scope of this EA. One scoping comment was received and considered in preparing the EA.

A draft EA was sent on March 24, 2009 to over 50 municipalities, organizations or agencies, and private land owners considered to have an interest in the proposed action. Two comment letters were received and considered in preparing this final EA.

SUMMARY OF ENVIRONMENTAL IMPACTS

The expected environmental impacts of the proposed action are described in Chapter 3 of the EA. The environmental analysis is focused on impacts to recreation, public safety, access and transportation, visual resources, air quality, water quality, vegetation, soils and geology, cultural resources, paleontological resources, wildlife resources, and threatened, endangered and other special status species. The environmental analysis indicates that the impacts will be temporary, short-term, and insignificant.

ENVIRONMENTAL COMMITMENTS

Reclamation and Zeotech Corporation will implement the environmental commitments listed below and in Chapter 4 of the EA to avoid or minimize effects to resources from implementation of the proposed action.

1. Additional Analysis - If the proposed action were to change significantly from that described in the EA because of additional or new information, additional environmental analysis including cultural and paleontological analyses may be necessary.
2. A General Construction Storm Water Permit from the State of Utah Division of Water Quality would be required.
3. Air Quality Monitoring - The proposed action in this EA shall be subject to Utah Air Quality Rule R307-205-7, Mining activities. The project proponent shall secure all necessary permitting related to the control and monitoring of fugitive dust and other particulate matter.
4. Public Safety, Access and Transportation - The proposed access in this EA shall not inhibit the existing prescriptive easement allowing access to the top of Little Mountain. The project proponent shall provide an access point to the existing access road through the course of construction and during operations. The site shall be controlled through a gated access point and adequate fencing shall be maintained through the course of operations to limit access to the general public to the excavation site. Furthermore, the proposed action in this EA shall be subject to all Cache County requirements for thoroughfare and access on 5800 West.
5. Disturbed Area Reclamation - All disturbed areas outside the open pit excavation shall be graded and revegetated within one year of construction to meet Bureau of Reclamation

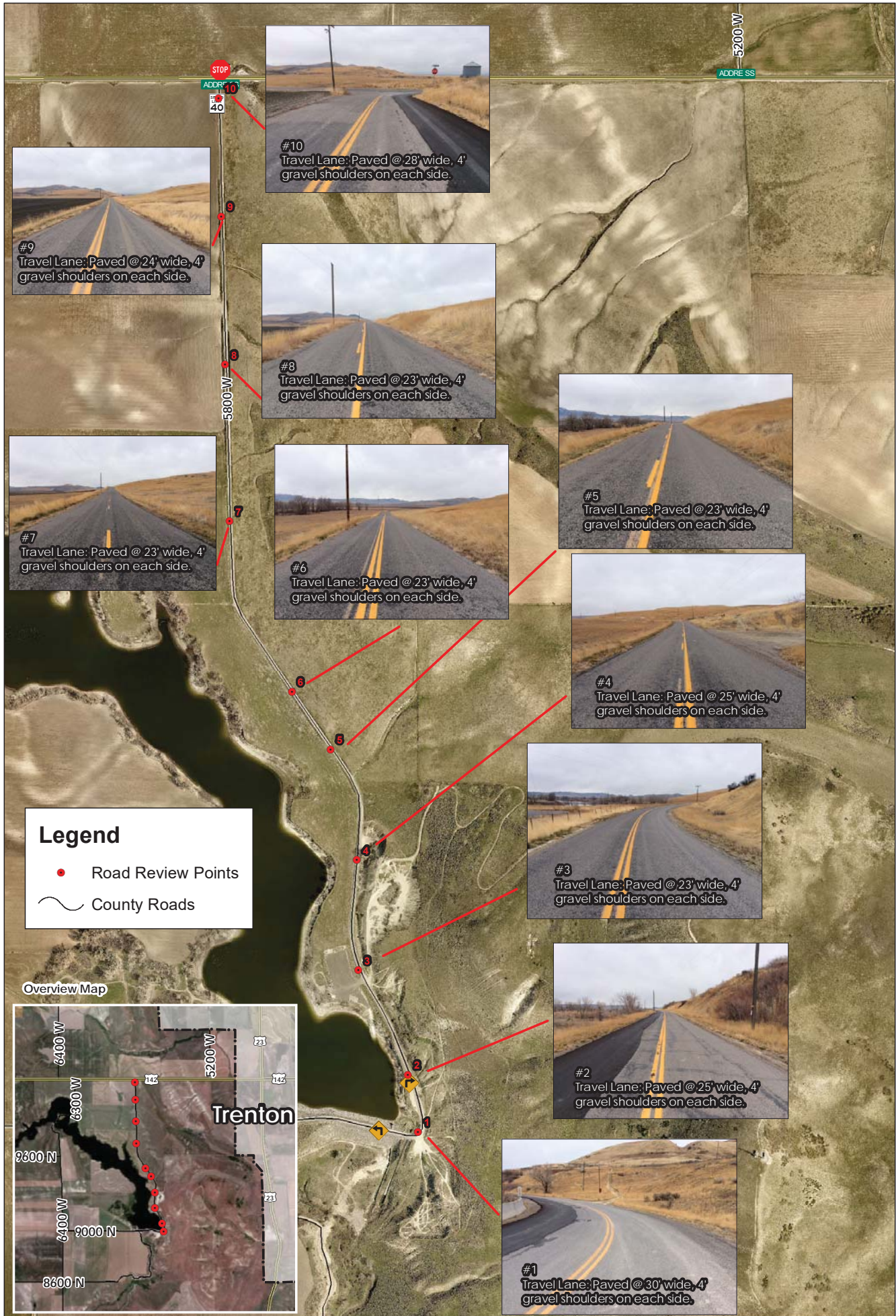
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standards. These areas include but are not limited to road cut and fill slopes, stormwater retention/detention basins, screen berms, topsoil stockpiles and any other impacted areas. All disturbed areas will be monitored by Zeotech Corporation for five years to ensure Reclamation standards are met for weed control and revegetation. Following five years of treatment and monitoring if Reclamation standards are not met, Zeotech Corporation will be required to apply additional weed treatment and revegetation treatment as needed.

6. Cultural Resources - Any person who knows or has reason to know that he/ she has inadvertently discovered possible human remains on Federal land, must provide immediate telephone notification of the discovery to Reclamation's Provo Area Office archaeologist. Work would stop until the proper authorities were able to assess the situation on-site. This action would promptly be followed by written confirmation to the responsible Federal agency official with respect to Federal lands. The Utah State Historic Preservation Office and interested Native American tribal representatives, in this case the Northwest Band Shoshone Tribe located in Brigham City, Utah, would be promptly notified. Consultation would begin immediately. This requirement is prescribed under the Native American Graves Protection and Repatriation Act (43 CFR Part 10); and the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470).

The above process is listed on a "yellow card," to be placed in the cabs of heavy equipment used during construction of the proposed project. This card would be distributed to the equipment operators and verbal direction and description of possible inadvertent discovery scenarios would be given at a pre-construction meeting by the Provo Area Office archaeologist prior to any ground-disturbing activity.

5800 W Road Review



Amendments to:

17.01 General Provisions

17.02 Administration

These amendments address the changes to state code with HB 232 and the need to provide plain language and more clarity between administrative v. legislative actions in the county code.

The current code and draft for each section have been included as follows:

17.01 Draft code

17.01 Current code

17.02 Draft code

17.02 Current code

Substantive changes have occurred in separating the administrative and legislative actions.

Staff's recommendation and the amendments to 17.02 place all administrative actions into the purview of the Planning Commission and Director. As the legislative body, the Council handles all legislative actions.

17.01 GENERAL PROVISIONS

17.01.010 Title	1
17.01.020 Authority and Purpose of Title 17	1
17.01.030 Exemptions	1
17.01.040 Applicability	1
17.01.050 Permits Required	1
17.01.060 Severability of Provision.....	1

17.01.010: Title

- A. This title shall be known as the *CACHE COUNTY LAND USE ORDINANCE*, hereinafter "this title".

17.01.020: Authority and Purpose of Title 17

- A. The Cache County Council adopts this title and associated maps and appendices pursuant to the County Land Use Development and Management Act, Utah Code Annotated section 17-27a as amended.
- B. The primary purpose of this title is to promote the health, safety, and welfare of the present and future inhabitants of the county. This includes but is not limited to securing safe routes of travel, safety from fire and other natural and manmade dangers, the classification and distribution of land use and development, protection of both residential and nonresidential development, and the implementation of the goals and policies of the Countywide Comprehensive Plan.

17.01.030: Exemptions

- A. Properties owned and operated by the State of Utah or the federal government are exempt from the requirements this title.
- B. This exemption does not apply where state or federal law requires that the agency of federal or state government take steps to comply with all applicable local regulations.

17.01.040: Applicability

- A. This title applies to all lands within the unincorporated area of the county.

17.01.050: Permits Required

- A. All development must obtain the review and approval of the specified land use authority.
- B. The development, alteration, or use of all buildings and property must follow the requirements of this title.

17.01.060: Severability of Provisions

- A. If any section, provision, sentence, or clause of this title is declared unconstitutional by a court of competent jurisdiction, such determination does not impair the validity of the remainder of this title; the remainder of this title remains in full force and effect.

17.01 GENERAL PROVISIONS

17.01.010 Title	1
17.01.020 Authority and Purpose	1
17.01.030 Exemptions	1
17.01.040 Applicability	1
17.01.050 Permits Required	1
17.01.060 Severability (Effect)	1

17.01.010: Title

This title shall be known as the *CACHE COUNTY LAND USE ORDINANCE*, hereinafter "this title".

17.01.020: Authority and Purpose

The County Council adopts this title pursuant to the County Land Use Development and Management Act, Utah Code Annotated Title 17-27a, for the purposes set forth therein. The maps and appendices to this title are a part hereof. The intent of this title is to provide a means of ensuring predictability and consistency in the use of land and individual properties and implement the goals and policies of the Countywide Comprehensive Plan.

17.01.030: Exemptions

To the extent provided by law, properties owned and operated by the state of Utah or the federal government shall be exempt from the provisions of this title. Where law requires that the agency of federal or state government take steps to comply with all applicable local regulations, this exemption shall not be construed to abrogate this requirement.

17.01.040: Applicability

- A. The provisions of this title shall apply to all lands within the unincorporated area of the county.
- B. No building may be erected and no existing building shall be moved, altered or enlarged, nor shall any land, building or premises be used for any purpose, except as allowed by this title or amendments thereto.

17.01.050: Permits Required

- A. All development shall be required to obtain proper review and approvals from the Land Use Authority as outlined in County Code.

17.01.060: Severability (Effect):

If any section, provision, sentence or clause of this title is declared unconstitutional by a court of competent jurisdiction, such determination shall not impair the validity of the remainder of this title which shall remain in full force and effect.

17.02 ADMINISTRATION

17.02.010 Section Purpose	1
17.02.020 Role of the Council in the Land Use Process.....	1
17.02.030 Role of the Planning Commission in the Land Use Process.....	1
17.02.040 Role of the Director in the Land Use Process.....	2
17.02.050 Role of the Board of Adjustments in the Land Use Process	3
17.02.060 Effective Period of Land Use Authority Approval	3
17.02.070 Appeal a Decision of a Land Use Authority	4
17.02.080 Request a Variance from the Land Use Ordinance.....	4
17.02.090 Judicial Review of Appeal Authority Decision.....	5
17.02.100 Notice for Public Meetings	5

17.02.010 Section Purpose

- A. To establish the Land Use Authority for Cache County Land Use Ordinance decisions.
- B. To establish the Appeal Authority for Cache County Land Use Ordinance variance and appeal decisions.
- C. To provide direction for the process of land use review and appeal.

17.02.020 Role of the Council in the Land Use Process

- A. The Cache County Council (the Council) is established as found in Utah Code Annotated section 17-52-504 as amended, and in Title 2.12 of the Cache County Code, and has the land use duties, authority, and powers as represented in Title 2.12 of the Cache County Code, Utah Code Annotated section 17-53 Part 2 as amended, and this chapter.
- B. The Council is the Land Use Authority designated to provide legislative land use decisions on the following:
 - 1. General Plan adoption or amendment in accordance with this chapter and Utah Code Annotated section 17-27a-4 as amended;
 - 2. Land Use Ordinance or amendment in accordance with this chapter and Utah Code Annotated section 17-27a-5 as amended;
 - 3. Subdivision Ordinance or amendment in accordance with this chapter and Utah Code Annotated section 17-27a-6 as amended.
 - 4. Amendment to the Zoning Map; and
 - 5. Annexation and Disconnection.
- C. The appeal of land use decisions made by the Council must be made to First District Court.

17.02.030 Role of the Planning Commission in the Land Use Process

- A. The Cache County Planning Commission (the Planning Commission) is established as required by Utah Code Annotated section 17-27a-301, and has the duties, authority, and powers as found in Utah Code Annotated section 17-27a-302, as amended, and in this chapter.
- B. The Cache County Executive (the Executive) must appoint a Planning Commission with the advice and majority consent of the Council;
 - 1. The Planning Commission must be composed of seven (7) members. All members serve a term of three (3) years. Terms of membership are such that the term of two (2) members expires each year, and the term of three (3) members expire every third year;

2. The Executive, with the advice and consent of the Council, may remove a member of the Planning Commission with or without cause; and
 3. The Planning Commission must adopt bylaws and rules of procedure establishing membership, the duties of officers and their selection, and for other purposes considered necessary for the functioning of the Planning Commission. These bylaws and rules of procedure must be approved by the Council.
- C. The Planning Commission is the land use authority to provide administrative land use decisions on the following:
1. Conditional Use Permit.
 2. Subdivision of property for the creation of two or more buildable lots.
 3. Subdivision amendment creating one or more additional buildable lots.
 4. Items listed for Director approval as determined by the Director with the intent to avoid conflicts of interest with the Director's other duties.
- D. The Planning Commission provides land use review to the Council in the following:
1. Preparing and recommending a general plan and amendments to the general plan;
 2. Recommending land use ordinances and maps, and amendments to land use ordinances and maps; and
 3. On other items as the Council directs.
- E. The appeal of land use decisions made by the Planning Commission must be made to the Board of Adjustments.

17.02.020 Role of the Director in the Land Use Process

- A. The Cache County Director of Development Services (the Director), is established and functions as found in Title 2.4 of the County Code and in this chapter.
1. The Director must be appointed by the Executive,
- B. The Director has the duties, authority, and powers as set forth in this chapter.
1. The Director must:
 - a. Adopt procedures for land use application processes. These procedures must be approved by the County Council.
 - b. Administer and enforce the Land Use Ordinance, the Cache County Subdivision Ordinance, and any associated policies or procedures.
 2. The Director may assign a designee to act as the land use authority in the place of the Director. Any designee must be identified in writing by the Director prior to any land use decision by the designee.
- C. The Director is the land use authority to provide land use decisions on the following:
1. Zoning Clearance.
 2. Variance to the following development standards in compliance with 17.02.080:
 - a. Maximum structure height.
 - b. Setback distances.
 3. Determining the mapped location of a base or overlay zoning district boundary. The Director must consider the following criteria in reaching a decision:
 - a. The policies and development standards that apply to the base or overlay zoning district; and
 - b. Where a base or overlay zoning district map boundary is shown following a road, right-of-way line, interstate highway, public utility right-of-way, railroad line, a stream or watercourse, or a line located midway between the main track of a railroad,

- the base or overlay zoning district map boundary is deemed to be changed automatically whenever such centerline is changed by natural or artificial means.
4. Interpretation of the uses in the applicable base or overlay zoning district as contained in chapter 17.09 Schedule of Zoning Uses, of this title. The Director's determination and all associated information must be identified as an administrative determination and filed as a land use request.
 5. Natural Barrier Subdivision.
 6. Subdivision amendment amending the boundaries of a legally recorded subdivision. This does not include the creation of additional lots.
 7. Single Lot Subdivision.
- D. The appeal of land use decisions made by the Director must be made to the Board of Adjustments.

17.02.040 Role of the Board of Adjustments in the Land Use Process

- A. The Cache County Board of Adjustments, the BOA, is established and has the duties, authority, and powers as represented within Utah Code Annotated section 17-27a Part 7 as amended, and in this chapter.
- B. The Cache County Executive must appoint the BOA with the advice and consent of the County Council. The County Executive, with the advice and consent of the County Council, may remove a member of the BOA with or without cause.
 1. The BOA must be composed of five (5) members. All members serve a term of five (5) years. The term of one member expires each year.
 2. The BOA must adopt bylaws and rules of procedure establishing membership, the duties of officers and their selection, and for other purposes considered necessary for the functioning of the BOA. These bylaws and rules of procedure must be approved by the Council.
- C. The BOA is the land use authority assigned to make decisions on the following:
 1. Variance requests, except those listed for Director review, and in compliance with section 17.02.080.
 2. Decisions regarding the existence, expansion, or modification of nonconforming uses, lots, or structures.
- D. The BOA is the appeal authority for land use decisions made by either the Director or the Planning Commission.
- E. The appeal of land use decisions made by the BOA must be made to First District Court.

17.02.060 Effective Period of Land Use Authority Approval

- A. Administrative land use decisions of approval are effective for a period of one year from the date of land use authority approval.
 1. The Director must issue a notice of expiration to the agent of a project no less than 30 calendar days prior to the end of the effective period of approval.
 2. Any approval that has lapsed beyond its effective period is void and any new application must conform to the ordinance currently in effect.
 3. No refunds are issued for void applications or permits.
- B. Where an appeal of an approval has been made, the effective period for the approval does not begin until a final decision has been issued by the appeal authority or judge of the First District Court.

17.02.070 Appeal a Decision of a Land Use Authority

- A. Land use decisions may be appealed:
1. By a person with standing that is adversely affected as a result of a land use authority's decision by alleging that the land use authority erred in any order, requirement, decision, or determination.
 2. Only if it is the final decision issued by the proper land use authority.
 3. If commenced within ten (10) business days of the adverse order, requirement, decision, or determination by filing a written notice of appeal with the Cache County Development Services Department. The notice of appeal must identify the decision being appealed and parties making the appeal.
 - a. A notice of appeal must be accompanied by a fee established by the Council. That amount is used to defray the costs of administering the request for appeal, including, but not limited to, costs of mailing and publishing notice.
 - b. The appellant has the burden of proving that the land use authority erred.
 4. The appeal of decisions made by supporting staff must be reviewed by the land use authority that issued the final decision.
- B. When a notice of appeal is filed, notice must be given as required by this chapter. The appeal authority then hears that issue at the next regularly scheduled meeting for a hearing, unless such time is extended for good cause or stipulation of the parties.
- C. The appeal authority may require written briefs or memorandum of the parties as the appeal authority deems necessary. At the hearing, the appellant must appear in person or by agent.
- D. Using Substantial Evidence as the standard of review, the appeal authority determines the correctness of a decision of the land use authority in its interpretation and application of a land use or subdivision ordinance. Only those decisions in which a land use Authority has applied a land use ordinance to a particular application, person, or parcel may be appealed.
- E. The appeal authority must issue a decision in writing within fifteen (15) business days of the final hearing, which constitutes a final decision under Utah Code Annotated section 17-27a-8 as amended.

17.02.080 Request a Variance from the Land Use Ordinance

- A. Any person or entity desiring a waiver or modification of the requirements of the land use ordinance as applied to a parcel of property that they own, lease, or in which they hold some other beneficial interest must be filed with the Cache County Development Services Department for a variance from the terms of this title. The designated appeal authority may grant a variance if the requirements of Utah Code Annotated section 17-27a-702 as amended have been met.
- B. A request for a variance must:
1. Be filed with Development Services Department.
 2. Be accompanied by a fee established by the Council. That fee is used to defray the costs of administering the request for a variance including, but not limited to, costs of mailing and publishing notice.
- C. When a request for a variance is filed, notice is given as required by this chapter. The appeal authority hears that issue at the next regularly scheduled meeting, unless such time is extended for good cause or stipulation of the parties.

- D. The appeal authority must issue a decision in writing within fifteen (15) business days of the final hearing, which constitutes a final decision under Utah Code Annotated section 17-27a-8 as amended.

17.02.090 Judicial Review of Appeal Authority Decision

- A. Any person adversely affected by a final decision of the Appeal Authority may petition the First District Court for review of the decision as permitted by law. Such a petition is barred unless filed within thirty (30) days after the appeal authority's decision is final in compliance with Utah Code Annotated section 17-27a-801(2) as amended. The appeal authority may order its decision stayed pending district court review if the appeal authority finds it to be in the best interest of the county.
- B. The First District Court is the appeal authority for land use or appeal decisions made by the Council, and for appeal decisions made by the BOA.

17.02.100 Notice for Public Meetings

- A. Notice for public meetings and public hearings must comply with the Open and Public Meetings Act 52-4 and Utah Code Annotated section 17-27a-2 as amended. At the discretion of the land use authority additional notice requirements may be applied.
- B. Notice of the time, place, and subject matter of a meeting must be given to the person making a request, the land use authority or official, all parties in interest, and all adjoining property owners within a three hundred foot (300') radius of the subject property.

17.02 ADMINISTRATION

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17.02.010: Planning Commission

- A. Creation: This hereby creates and establishes the Cache County Planning Commission.
- B. Powers and Duties: The Planning Commission shall have the powers and duties enumerated within Utah Code Annotated (1953, as amended) 17-27a-302, and within this chapter.
- C. Policies and Procedures: The Planning Commission shall adopt bylaws and rules of procedure establishing membership, the duties of officers and their selection, and for other purposes considered necessary for the functioning of the Planning Commission. These policies and procedures shall be approved by the County Council.
- D. Membership and Appointments:
 - 1. The Planning Commission shall be composed of seven (7) members. Members of the Planning Commission shall be appointed by the Cache County Executive with the advice and consent of the County Council. The County Executive, with the advice and consent of the County Council, may remove a member of the Planning Commission with or without cause.
 - 2. All members shall serve a term of three (3) years. Terms of membership shall be such that the term of two (2) members shall expire each year, except the term of three (3) members shall expire every third year.

17.02.020: Board of Adjustments

- A. Creation: There is established a "Cache County Board of Adjustments", hereinafter, the BOA.
- B. Powers and Duties: The BOA shall have the powers and duties set forth within this chapter.
- C. Policies and Procedures: The BOA shall adopt bylaws and rules of procedure establishing membership, the duties of officers and their selection, and for other purposes considered necessary for the functioning of the BOA. These policies and procedures shall be approved by the County Council.
- D. Membership and Appointments:
 - 1. The BOA shall be composed of five (5) members. Members of the BOA shall be appointed by the Cache County Executive with the advice and consent of the County Council. The County Executive, with the advice and consent of the County Council, may remove a member of the BOA with or without cause.
 - 2. All members shall serve a term of five (5) years. Terms of membership shall be such that the term of one member shall expire each year.

17.02.030: Director of Development Services

The Cache County Executive, with the advice and consent of the Cache County Council, shall appoint a Director of Development Services. The Cache County Executive shall also request the advice of the Planning Commission and BOA. It is the responsibility of the Director to administer and enforce this title, the Cache County Subdivision Ordinance, and the policies and procedures related thereto or created thereby.

17.02.040: Notice of Meetings

- A. Notice of meetings of the Planning Commission and BOA shall be given as required by the open and public meetings provisions of Utah Code Annotated (1953, as amended) 52-4, and within Utah Code Annotated (1953, as amended) 17-27a-2. The Planning Commission shall determine by its policies and procedures such additional notice requirements as it determines necessary and appropriate.
- B. Notice of the time, place, and subject matter of a meeting shall be given to the person making a request, the Land Use Authority or official, and all parties in interest, including adjoining property owners within a three hundred foot (300') radius of the property affected.

17.02.050: General Plan, Land Use, and Subdivision Ordinance Amendments

- A. General Plan: Amendments shall be made in accordance with this chapter and Utah Code Annotated (1953, as amended) 17-27a-4.
- B. Land Use Ordinance: Amendments shall be made in accordance with this chapter and Utah Code Annotated (1953, as amended) 17-27a-5.
- C. Subdivision Ordinance: Amendments shall be made in accordance with this chapter and Utah Code Annotated (1953, as amended) 17-27a-6.

17.02.060: Establishment of Land Use Authority

- A. Purpose: The purpose of this section is to establish the Land Use Authority for decisions applying to the Land Use Ordinance, establish the Appeal Authority to hear and decide requests for variances from the terms of the Land Use Ordinance, and to establish the Appeal Authority to hear and decide appeals from decisions applying to the Land Use Ordinance.
- B. Authority To Hear And Act:
 - 1. Director of Development Services: The Director or designee shall be the Land Use Authority to hear and act on the following:
 - a. Zoning Clearance applications;
 - b. Home Based Business application;
 - c. Minor Variance requests:
 - i. Building height, setback distance from lot lines or other buildings, or other similar requests;
 - ii. A single, non-resident employee at a Home Based Business.
 - d. Determination of the location of the boundary of a zoning district or an overlay map. The Director shall take into consideration the following criteria in rendering such determination:
 - i. The policies and development standards pertaining to such zoning district or overlay.

- ii. Where a zoning district or overlay map boundary is shown following a road, right of way line, interstate highway, public utility right of way, railroad line, a stream or watercourse, or a line located midway between the main track of a railroad, the zoning district or overlay map boundary shall be deemed to be changed automatically whenever such centerline is changed by natural or artificial means;
 - e. Interpretation of authorized permitted or conditional uses of the applicable zoning district as contained in chapter 17.09, "Schedule of Zoning Uses", of this title. The Director shall consider the following in rendering such interpretation:
 - i. Consistency with the purpose and intent of the policies and development standards pertaining to such district as described in this title.
 - ii. Whether the proposed use is substantially similar to other uses allowed in the zoning district.
 - iii. The determination and all information pertaining thereto shall be filed classifying it as an administrative determination and shall become a permanent public record in the county community development department. Such use shall become a permitted or conditional use in the zoning district specified in the determination, and shall have the same status as a permitted or conditional use specifically named in the regulations for the zone classification;
 - f. Natural barrier determinations;
 - g. Boundary line adjustment between three (3) or fewer property owners within or amending the boundaries of a legally recorded subdivision;
 - h. Single lot subdivisions, and;
 - i. Those uses specifically delegated to the Director by the Cache County Council.
2. Planning Commission:
- a. The Cache County Planning Commission shall be the Land Use Authority to hear and act on the following land use applications:
 - i. Conditional use permits, except those listed for the County Council;
 - ii. Items delegated to the Planning Commission by the Cache County Council;
 - iii. Requests for reasonable accommodations made by residential facilities for up to eight (8) occupants; and
 - iv. Items listed for the Director of Development Services approval when the Director determines that a public meeting should be held to ensure that citizens have the opportunity to comment on the application or in the event that a conflict of interest arises;
 - b. The Planning Commission shall be a recommending body to the Cache County Council for all land use applications for which the Cache County Council is the Land Use Authority.
 - c. The Planning Commission shall be a recommending body to the Cache County Council for the Cache County Manual of Road Design and Construction Standards adopted within Title 12.
 - d. The Planning Commission shall have the powers and duties as assigned by this chapter and Utah Code Annotated (1953, as amended) section 17-27a-302.
3. Board of Adjustments: The Cache County Board of Adjustments shall be the Land Use Authority to hear and act on the following land use applications:

- a. Variance requests, except those listed for the Director of Development Services review; and
 - b. Determinations regarding the existence, expansion or modification of nonconforming uses, lots, or structures.
- 4. County Council: The Cache County Council shall be the Land Use Authority to hear and act on the following land use applications:
 - a. General plan approvals or amendments;
 - b. Land Use Ordinance amendments;
 - c. Amendments to the zoning map;
 - d. Subdivision ordinance amendments;
 - e. Requests for reasonable accommodations made by residential facilities for disabled persons for nine (9) or more occupants;
 - f. Subdivision reviews for new subdivisions, phases of subdivisions, preliminary and final plat approval, and amendments to existing subdivisions other than those listed for Director of Development Services review;
 - g. Zone change requests; and
 - h. Conditional use permit requests for:
 - i. Major utility facilities,
 - ii. Electrical generating facility,
 - iii. Solid waste facilities,
 - iv. Sewage treatment works.
- C. Public Hearings and Meetings:
 - 1. Director of Development Services: Public meetings will only be required for items listed under subsections (B)(1)(c, f, g, and h) of this section. The Director shall make the decision at regular staff meetings. No public meeting will be held outside of regular staff meetings.
 - 2. Planning Commission and County Council: Notice for public hearings and public meetings shall comply with Utah Code Annotated (1953, as amended) 17-27a-2. Additional public meetings may be held as necessary to properly review and make decisions regarding a land use.
- D. Variances: Any person or entity desiring a waiver or modification of the requirements of the land use ordinance as applied to a parcel of property that they own, lease, or in which they hold some other beneficial interest may apply to the Director or the BOA, as designated in subsection B of this section, for a variance from the terms of this title. The designated Land Use Authority may grant a variance if the requirements of Utah Code Annotated (1953, as amended) section 17-27a-702 have been met.
- E. Rules of Procedure: The Development Services Department shall adopt rules of procedure establishing the application process, deadlines, decision making process, and for any other purposes considered necessary. These policies and procedures shall be approved by the County Council.
- F. Appealing Decisions of a Land Use Authority:
 - 1. Any person adversely affected by the Land Use Authority's decision administering or interpreting a land use ordinance or subdivision may appeal the decision by alleging that there is error in any order, requirement, decision, or determination made by the Land Use Authority in the administration or interpretation of the land use or subdivision ordinance.

Decisions can only be appealed if they are a final decision issued by the appropriate Land Use Authority.

- a. Land use decisions made by either the Director of Development Services or the Planning Commission shall be appealed to the Board of Adjustments.
- b. Land use decisions made by the Board of Adjustments shall be appealed to the County Council.
- c. Land use decisions made by the County Council shall be appealed to district court.
- d. Any further appeal of a decision made in subsections a or b shall be made to district court.

G. Procedure for Requesting a Variance or Appeal:

1. **Time Limit:** A request for a variance or a notice of appeal must be commenced within ten (10) business days of the adverse order, requirement, decision or determination by filing a written notice of a request for a variance, or notice of appeal with the Cache County Director of Development Services at the Cache County Development Services Department. The notice must indicate the decision being appealed and identify the parties making the appeal.
2. **Fee:** A request for a variance, or a notice of appeal, shall be accompanied by a fee established by the Cache County Council, which amount shall be used to defray the costs of administering the request for a variance, or appeal, including, but not limited to, costs of mailing and publishing notice.
3. **Notice of a Hearing:** When a request for a variance or a notice of appeal is filed, notice shall be given as required by this chapter. The Appeal Authority shall hear that issue at the next regularly scheduled meeting for a hearing, unless such time is extended for good cause or stipulation of the parties.
4. **Burden of Proof:** The appellant has the burden of proving that the Land Use Authority erred.
5. In the case of an appeal the Appeal Authority may require written briefs or memorandum of the parties as the Appeal Authority deems necessary. At the hearing, the appellant shall appear in person or by agent or attorney.
6. **Standard of Review – Substantial Evidence:** The Appeal Authority shall determine the correctness of a decision of the Land Use Authority in its interpretation and application of a land use or subdivision ordinance. Only those decisions in which a Land Use Authority has applied a land use ordinance to a particular application, person, or parcel may be appealed.
7. **Final Decision:** The Appeal Authority will issue a decision in writing within fifteen (15) business days of the hearing, which constitutes a final decision under Utah Code Annotated (1953, as amended) 17-27a-8.
8. **Judicial Review of Appeal Authority's Decision:** Any person adversely affected by a final decision of the Appeal Authority may petition the district court for review of the decision as permitted by law. Such a petition is barred unless filed within thirty (30) days after the Appeal Authority's decision is final in compliance with Utah Code Annotated (1953, as amended) section 17-27a-801(2). The Appeal Authority may order its decision stayed pending district court review if the Appeal Authority finds it to be in the best interest of the county.

17.02.070 Effective Period for Land Use Authority Approval

- A. The approval of any permit, subdivision, subdivision amendment, variance, or other approval issued by a Land Use Authority within Titles 16 and/or 17 shall be effective for a period of one year from the date of approval. The Director of Development Services shall issue a notice to the applicant/agent of a project no less than 30 calendar days prior to the end of the effective period of approval. Any approval that has lapsed beyond its effective period shall be void and any new application shall be required to conform to the ordinance currently in effect. No refunds shall be issued for void applications or permits.
- B. At the discretion of the Land Use Authority, the effective period of approval may be extended for up to two (2) years beyond the one year period of the original approval. Within that extension no operation is allowed until the permit has been recorded and all conditions of the permit have been met. To request an extension, an applicant must submit nonfinancial justification to the Land Use Authority prior to the expiration of the original one year period of approval.
- C. Where an appeal of an approval has been made, the effective period for the approval shall not begin until the conclusion of all appeal processes.

ARTICLE 1 - OBJECTIVES

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

1-2. The official title of this Commission shall be the "Cache County Planning Commission".

ARTICLE 2 - MEMBERS

2-1. The Cache County Planning Commission shall consist of (7) voting members. A member of the County Council shall be appointed as an ex-officio member of the Planning Commission and shall be a non-voting member. The Director of Development Services shall serve as an ex-officio member of the Planning Commission and shall be a non-voting member.

2-2. The term of the member from the County Council shall be a one year term or as otherwise designated. As the term of the members first appointed to this Commission, or their replacements, expire, their successors shall be appointed for terms of three (3) years or to fulfill the previously designated term. Each member shall be recommended by the County Executive and evaluated and confirmed by the County Council prior to their appointment or reappointment to the Planning Commission.

2-3. The Council may provide for the payment of expenses and a reasonable compensation for members of the Commission who are not County employees.

ARTICLE 3 - OFFICERS AND THEIR SELECTION

3-1. The officers of the Planning Commission shall consist of a Chair, a Vice-Chair, and a Secretary. If no Secretary is elected from among the serving Planning Commissioners, the Director of Development Services, or their designee, will serve as Secretary of the Commission.

3-2. Nomination of officers shall be made by the general membership of the Planning Commission at the regularly scheduled December meeting of the Commission each year. The election of officers shall follow immediately.

3-3. A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected. He/She shall take office January 1st, the following year and serve for one (1) year or until their successor shall take office.

ARTICLE 4 - DUTIES OF OFFICERS

4-1. The Chair shall be an appointed member of the Commission and shall:

4-1-1. Preside at all meetings.

4-1-2. Appoint committees, special and/or standing and liaisons.

4-1-3. Rule on all procedural questions (subject to a reversal by a majority vote of the members present).

4-1-4. Be informed immediately of any official communication and report same at the next regular meeting.

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

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

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

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

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

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

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

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

4-3. The Secretary shall:

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

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

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

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

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

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

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

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

ARTICLE 5 - STANDING AND SPECIAL COMMITTEES

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

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

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

ARTICLE 6 - MEETINGS

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

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

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

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

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

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

ARTICLE 7 - ORDER OF BUSINESS

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

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

7-1-2. Roll call by the Secretary

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

7-1-3. Approval of agenda

7-1-4. Approval of minutes

7-1-5. Report of the Secretary

7-1-6. Consent Agenda

7-1-9. Agenda Items

7-1-9-1. Public Comment

7-1-9-2. Public Hearings

7-1-10. Report of Special Committees

7-1-11. Liaison Reports

7-1-12. Zoning Administrator's Report

7-1-13. Adjournment

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

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

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

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

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

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

ARTICLE 8 – COMMUNICATION AND CORRESPONDENCE

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

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

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

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

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

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

ARTICLE 9 - AMENDMENTS

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