

4:45 p.m.

Workshop in the County Council Chambers.

5:30 p.m.

Call to order

Opening remarks/Pledge – Nolan Gunnell

Review and approval of agenda.

Review and approval of the minutes of the 3 May 2018 meeting.

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

1. **Mt. Sterling Wright Subdivision 1st Amendment** – A request to expand the subdivision boundary and increase the size of Lot 5 from 13.81 acres to 15.23 acres for an existing subdivision located at 2024 West 5800 South, near Wellsville, in the Agricultural (A10) Zone.
2. **Dominion Energy Sardine Canyon Conditional Use Permit** – A request for approval of a Conditional Use Permit to expand and operate a utility facility for transmission service on 1.06 acres located at approximately 7300 South 4000 West, near Wellsville, in the Public Infrastructure (PI) Overlay Zone.

Continued Items

3. **Creekside Estates Subdivision** – A request to create a new 7-lot subdivision located at approximately 800 West 100 South, Smithfield, in the Agricultural (A10) Zone. *Continued from March 1, 2018.*
4. **Commercial Zone Amendment – Zonavoo** – A request to amend §17.09.030 of Title 17 of the County Code to allow Use Type 1300 Multi-Family Dwelling as a permitted (“P”) use in the Commercial (C) Zone and to add a subsection to §17.10.030 allowing a development density of 15 units per acre for multi-family dwellings in the Commercial (C) Zone. *Continued from May 3, 2018.*

Regular Action Items

5. **Public Hearing (5:55 p.m.): Jenkins Rezone** – A request for a recommendation of approval to the County Council for a rezone of 10.99 acres, located at 7860 North Hwy 91, near Smithfield, from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone.

6. **West Canyon Ranch Cabin Conditional Use Permit** – A request to operate a recreational facility in conjunction with an agricultural ranching business on 3,372 acres located at approximately 1500 West Canyon Road, Avon. The seven parcels included in this request are zoned Agricultural (A10) and Forest Recreation (FR40).
7. **Pisgah Limestone Conditional Use Permit 2nd Amendment** – A request to amend and expand an existing conditional use permit to operate a mineral extraction operation on approximately 938 acres located at approximately 9800 South 3500 West, Wellsville Canyon, in the Mineral Extraction (ME) Overlay Zone.
8. **Discussion: Amendment to Title 17.07 regarding Parcel Legality**

Board Member Reports

Staff reports

Adjourn



PLANNING COMMISSION MINUTES

3 May 2018

Item

Page

Consent items

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2. Mendon Shadows Phase II Subdivision 1st Amendment..... 3

Regular items

3. Public Hearing (5:35 p.m.): Birch Hollow Rezone 3
4. Public Hearing (5:50 p.m.): Commercial Zone Amendment – Zonavoo 4

1 **Present:** Angie Zetterquist, Chris Harrild, Josh Runharr, Nolan Gunnell, Brady Christensen,
2 Chris Sands, Lane Parker, Jon White, Lee Edwards, Megan Izatt

3
4 **Start Time: 05:35:00**

5
6 **Christensen** welcomed and **Parker** gave opening remarks

7
8 **05:37:00**

9
10 **Agenda**

11
12 ***Gunnell** motioned to approved the agenda; **Parker** seconded; **Passed 4, 0.***

13
14 **05:38:00**

15
16 **Minutes**

17
18 ***Gunnell** motioned to approve the minutes from 1 March, 2018; **Sands** seconded; **Passed 4, 0.***

19
20 **05:38:00**

21
22 **Consent Items**

23 **#1 Randal Stocker Subdivision 1st Amendment**

24
25 **Shannon Rasmussen** representing Rasmussen Family Farms stated that the address on the staff
26 report was incorrect. Ms. Rasmussen also asked about access for the new lot, how close the well
27 would be located to the property line, access to the well, and asked why 10 acres are not being
28 required for the A10 zone.

29
30 **05:41:00**

31
32 ***Sands** motioned to remove #1 from the consent agenda; **Gunnell** seconded; **Passed 4, 0.***

33
34 **#1 Discussion**

35
36 Staff will correct the address for the proposed lot. Access to lot 2 will be used for lots 1 and 3
37 also. The lot is zoned A10 and for density staff looks at the entire parcel not the lot size. The well
38 site has not been identified at this time and the applicant is working on gaining culinary water
39 rights and the well is overseen by the state.

40
41 ***Gunnell** motioned to approve the Randal Stocker Subdivision 1st Amendment with the stated
42 findings of fact, 6 conditions, and 1 conclusion; **Sands** seconded; **Passed 4, 0.***

1 **#2 Mendon Shadows Phase II Subdivision 1st Amendment**

2 *Sands motioned to approve the Mendon Shadows Phase II Subdivision 1st Amendment with the*
3 *stated findings of fact, 4 conditions, and 1 conclusion; **Parker** seconded; **Passed 4, 0.***
4

5 **05:47:00**
6

7 **Regular Agenda**

8 **#3 Public Hearing (5:35 p.m.): Birch Hollow South Rezone**
9

10 **Zetterquist** reviewed the staff report for the Birch Hollow South Rezone.
11

12 **Staff** and **Commission** discussed access, and the RU2 zone requirements. Smithfield has told
13 Staff they have no intent to annex to the west and have verbally confirmed they are developing to
14 the East but will not state so in writing.
15

16 **06:05:00**
17

18 *Sands motioned to open the public hearing for the Birch Hollow South Rezone; **Gunnell***
19 *seconded; **Passed 4, 0.***
20

21 **Duane Williams** commented on roads and stated potentially there could be a through road if
22 planned correctly.
23

24 **Christensen** asked if Dennis Thornley owned some of the surrounding property.
25

26 **Mr. Williams** responded that he does and he has no intention of selling and will continue
27 farming.
28

29 **Sands** stated the risk for this is to approve the rezone but the road has the potential to be denied.
30

31 **Mr. Williams** responded that he agrees with separating the rezone and the road. He does realize
32 that there could be issues with the road. Mr. Williams stated that he may like to come off a
33 county road and then reconnect into SR218. For trash collection, there would probably be one
34 big dumpster for everyone to use instead of having several cans.
35

36 **06:16:00**
37

38 *Sands motioned to close the public hearing for the Birch Hollow South Rezone; **Gunnell***
39 *seconded; **Passed 4, 0.***
40

41 **Staff** and **Commission** discussed roads and the proposed conditions.
42

43 ***Gunnell** motioned to recommend approval for the Birch Hollow South Rezone to the County*
44 *Council with the stated findings of fact and conclusions; **Gunnell** seconded; **Passed 4, 0.***
45

46 **06:30:00**
47

1 **#4 Public Hearing (5:50 p.m.): Commercial Zone Amendment – Zanavoo**

2 **Christensen** stated that he would need to recuse himself from voting.

3
4 **Harrild** reviewed the staff memo for the Commercial Zone Amendment –Zanavoo.

5
6 **06:37:00**

7
8 ***Gunnell** motioned to open the public hearing for the Commercial Zone Amendment - Zanavoo;*
9 ***Sands** seconded; **Passed 4, 0.***

10
11 **John Brandley** commented that Zanavoo has been around for 70 years; currently it has 14 hotel
12 units and has been approved twice in the last 10 years for 25 more units. The property is
13 currently conditionally permitted as a transient hotel and the current owners would prefer to
14 change the ordinance to allow multifamily housing and change Zanavoo to the multifamily
15 housing zone. The applicants have met with UDOT, BRAG, and an architect to discuss this
16 project. The infrastructure for such a development is already in place and the owners would like
17 to work with the county to make this a viable living area.

18
19 **Sands** asked if the handout was different than the original proposal.

20
21 **Mr. Brandley** stated that the previous information was not an official proposal. The owners met
22 with BRAG and this has been approved for more units twice. The density doesn't seem to be an
23 issue.

24
25 **Sands** stated it is a density issue for the County and asked how many units currently are there.

26
27 **Mr. Brandley** currently there are 14 units. The proposal would keep the same footprint but
28 would add more units.

29
30 **Sands** asked why townhouses or condos weren't included.

31
32 **Mr. Brandley** stated that eventually they would like to see that but the current building is very
33 sound and the owners like the idea of keeping the 70 year old building. The engineer suggested
34 adding the second floor and doing 1 or 2 bedroom units.

35
36 **Sands** asked about meeting with UDOT.

37
38 **Mr. Brandley** stated they have met with UDOT and the owner suggested a single in/out lane
39 instead of being able to pull on and off the apron anywhere. The main entrance to the apartments
40 would be on the west side and there would be a deceleration lane.

41
42 **Sands** asked about utilities.

43
44 **Mr. Brandley** stated that a water main from Logan City is already there and there are many
45 viable options for sewer.

1 **Runhaar** commented that there were two applications that he was aware of but no action was
2 taken on either one.

3
4 **Mr. Brandley** responded that he would have his attorney send the information for the approvals
5 he has referred to earlier in the meeting.

6
7 **Sands** asked about the number of units expected for the development.

8
9 **Mr. Brandley** commented the he would like to see 30-35 units and some of those would be
10 townhomes down by the river.

11
12 **Parker** asked what would be the prospects for the current restaurant.

13
14 **Mr. Brandley** stated that it would be something like a small café with event space in the back of
15 the building and also a clubhouse located in that same building for residents.

16
17 **Jed Willets** commented that this proposed use seems to be a more viable option for this property
18 and would benefit the County.

19
20 **06:59:00**

21
22 ***Gunnell** motioned to close the public hearing for the Commercial Zone Amendment - Zonavoo;*
23 ***Parker** seconded; **Passed 4, 0.***

24
25 **Staff** reminded the **Commission** that this is a code amendment issue. Multifamily use is going to
26 have a broader effect than just this proposal and the County currently does not have the
27 infrastructure built out for multifamily. That is something that the County would have to build
28 out if that change were to be made.

29
30 ***Gunnell** motioned to continue the Commercial Zone Amendment - Zonavoo due to a lack of a*
31 *quorum; **Parker** seconded; **Passed 4, 0.***

32
33 **07:03:00**

34
35 **Staff Reports**

36
37 **Runhaar** informed the Commission that subdivisions are no longer a recommendation of
38 approval; the Planning Commission is the approving body now, not the County Council. Also
39 both of the previous Petersboro applications were denied at the County Council level. There is a
40 public hearing next Tuesday at the County Council Meeting regarding sales tax for transportation
41 and roads.

42
43 **07:05:00**

44
45 **Adjourned**
46

STAFF REPORT: MT. STERLING WRIGHT SUB. 1ST AMEND.

14 JUNE 2018

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: Michelle Jensen

Parcel ID#: 01-061-0605, -0051

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

LOCATION

Reviewed by Angie Zetterquist

Project Address:

2024 West 5800 South
Wellsville

Current Zoning:

Agricultural (A10)

Acres: 15.68 acres

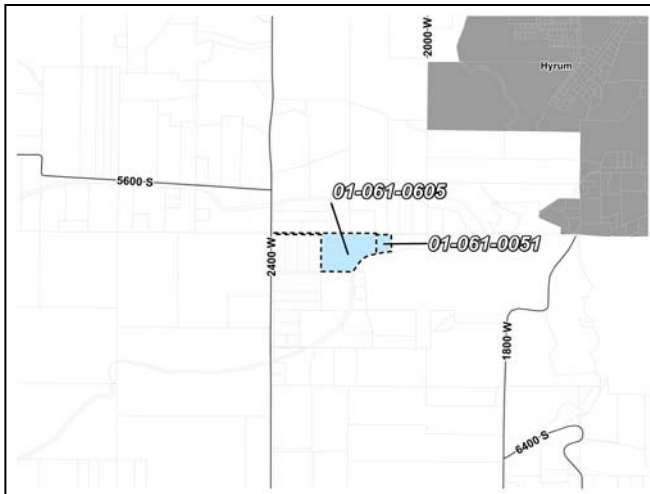
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural

East – Agricultural/Residential

West – Agricultural/Residential



FINDINGS OF FACT (20)

A. Request description

1. The Mt. Sterling Wright Subdivision 1st Amendment is a request to expand the subdivision boundary and increase the size of Lot 5 from 13.81 acres to 15.23 acres to accommodate an addition to the existing single-family residence. There are no proposed changes to the remaining 4 lots of the 5-lot subdivision.

B. Parcel legality

2. The original Mt. Sterling Wright 5-lot subdivision was approved in January 2008 and the plat recorded in March 2009. Lot 5 was approved as a 13.81 acre developable lot as part of the subdivision. The adjacent parcel, 01-061-0051, that is part of this amendment application, is a 1.87 acre property that was originally part of the parent parcel for the Mt. Sterling Wright Subdivision, but was divided off in 2003 and was not included in the original subdivision. It is

considered a restricted parcel, but the restriction no longer applies when it merges with Lot 5 through the subdivision amendment application.

C. Authority

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

D. Culinary water, septic system, and storm water

4. §16.04.080 [A] Water Requirements – A domestic, approved water right is required for each of the lots. The water rights that were approved at the time the subdivision was originally approved appear to have lapsed for Lots 1-4 (#25-10796 through 25-10799). The water right for Lot 5 is active, #25-6329. Depending on the scope of any future development on Lot 5, an additional domestic water share may be required.
5. §16.04.080 [B] Sewage Requirements – As no new lots are being proposed, the applicant is not required to provide a septic system feasibility letter for this subdivision amendment. However, the applicant is proposing to construct a large accessory apartment attached to the existing residence, which will require confirmation from the Bear River Health Department that the existing septic system is adequate for the addition or a permit for an expanded or new septic system at the time a Zoning Clearance application is submitted for the accessory apartment.
6. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit is required for any future development. *See condition #1.*

E. Access

7. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
8. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
9. §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.
10. The Road Manual specifies the following:
 - a. §2.1-A-3 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 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. *See condition #2 & #3*

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

- a. Primary access to the property is via 5800 South, a private road, which connects to 2400 West, a county road.
- b. 5800 South:
 - i. Has been a private road with access to residential structures since at least 1974-1975 when building permits were issued for four houses, including the existing residence on the subject property. Additional building permits were issued for residential structures in the late 1980s, 1993, and 2002, for a total of 8 single-family residences utilizing this private road currently. There is potential for another 6-7 single-family residences to be built with access off of this private road, including 4 lots of the subject subdivision. The current Road Manual allows a maximum of 3 single-family residences on a private road.
 - ii. There is a 50-foot wide easement along the northern boundary of the property for the private road. As part of the subdivision amendment, a 26-foot right of way will be added across the frontage of parcel 01-061-0051.
 - iii. When the private road was approved for access to the subject subdivision, it was required to meet all applicable requirements of the 2006 International Fire Code and any other applicable codes. As a condition of approval, the improvements had to be completed to the applicable requirements prior to the recordation of the plat. The plat was recorded in March 2009.
 - iv. The road is currently 16 feet wide with a thin layer of a chip and seal surface and no shoulders. No homes have been constructed in the subject subdivision since the plat was recorded in 2009. The road width is substandard, however, since the requested amendment is not creating additional lots no improvements are required at this time. Any future development on the property will require another review of the road and may require improvements based on any proposed development. *See condition #2.*
 - v. As a private road, the county does not provide maintenance.
- c. 2400 West:
 - i. Is within a county right-of-way (ROW) and the applicant dedicated their portion of the 33-foot ROW from the centerline of the road at the time the previous plat was recorded and is shown on the amended plat.
 - ii. Has an unknown depth and type of material, however, this is an existing county facility that provides access to the general public. *See condition #3.*
 - iii. Has year round county maintenance at this location.

F. Service Provision

- 12. §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. Water supply for fire suppression would be provided by the Hyrum Fire Department.
- 13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental had no comments on the subdivision amendment application.
- 14. §16.04.080 [D] School Bus Service – The Cache County School District provides school bus service through a stop at 2400 West 5800 South.

G. Sensitive Areas

15. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area

- a.** The subject property is part of an Agricultural Protection Area.

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

16. Public notice was posted online to the Utah Public Notice Website on 30 May 2018.

17. Notice was published in the Herald Journal on 3 June 2018.

18. Notices were posted in three public places on 30 May 2018.

19. Notices were mailed to all property owners within 300 feet and cities within 1-mile of the subject property on 31 May 2018.

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

CONDITIONS (3)

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

- 1.** A Land Disturbance Permit is required for any future development. (*See D-6*)
- 2.** Prior to recordation, the applicant must obtain approval of a design exception from the County Council regarding the width, surface material type, and structural fill of 5800 South, a private road. (*See E-11-b*)
- 3.** Prior to recordation, the applicant must obtain approval of a design exception from the County Council regarding the surface material type and structural fill of 2400 West, a county road. (*See E-10-f, E-11-c*)

CONCLUSIONS (2)

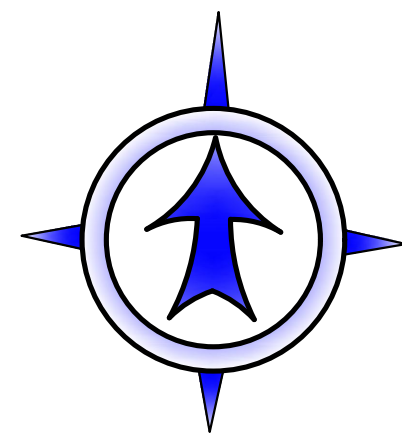
Based on the findings of fact and conditions noted herein, staff recommends approval of the Mt. Sterling Wright Subdivision 1st Amendment as:

- 1.** The Planning Commission is authorized to act as the Land Use Authority for this application (*See C-3*), and;
- 2.** It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Subdivision and Land Use Ordinances.

Mt. Sterling Wright Subdivision 1st Amendment

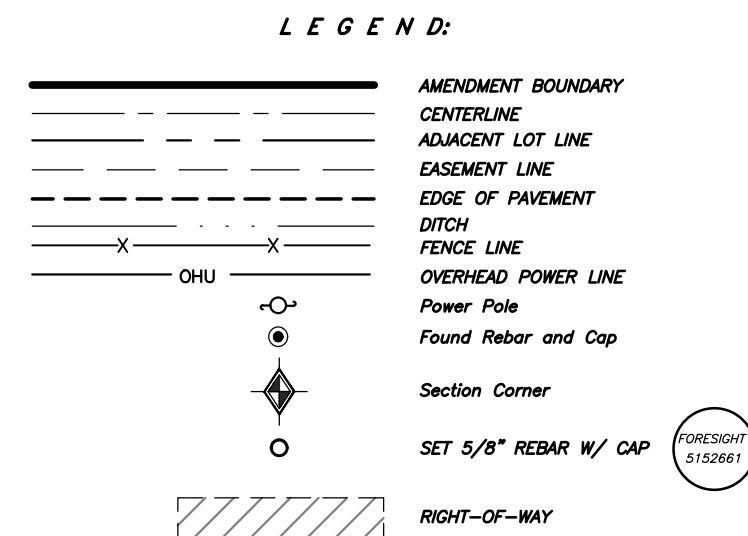
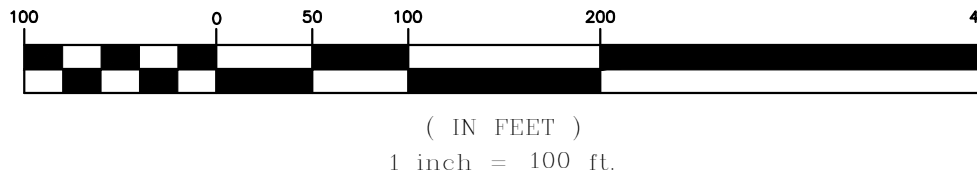
AMENDING LOT 5 BY CONSOLIDATING WITH PARCEL 01-061-0051

A PART OF THE NORTHWEST QUARTER OF SECTION 7, T10N, R1E, S.L.B.&M.
MOUNT STERLING, CACHE COUNTY, UTAH

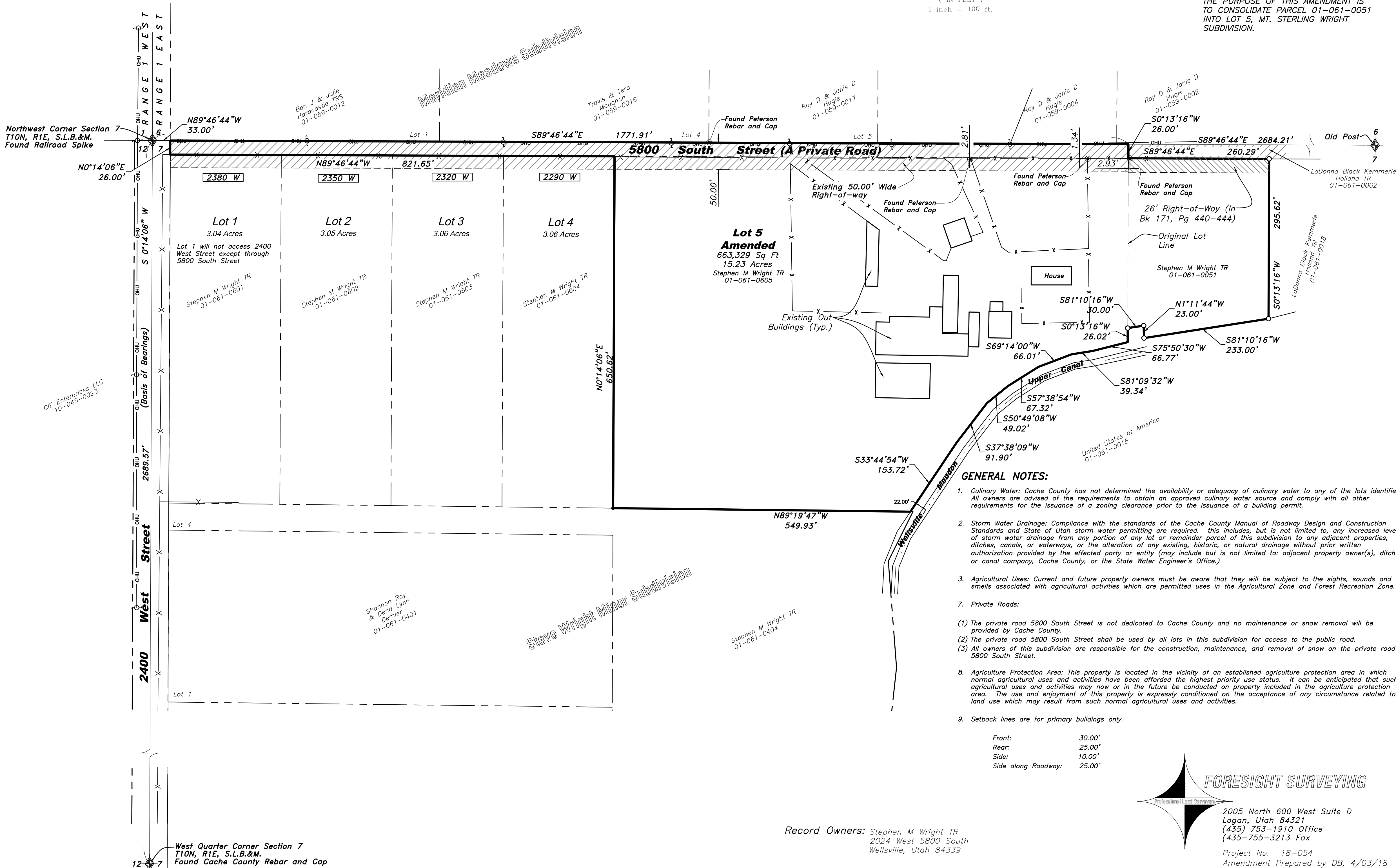


April 3, 2018

GRAPHIC SCALE



THE PURPOSE OF THIS AMENDMENT IS TO CONSOLIDATE PARCEL 01-061-0051 INTO LOT 5, MT. STERLING WRIGHT SUBDIVISION.

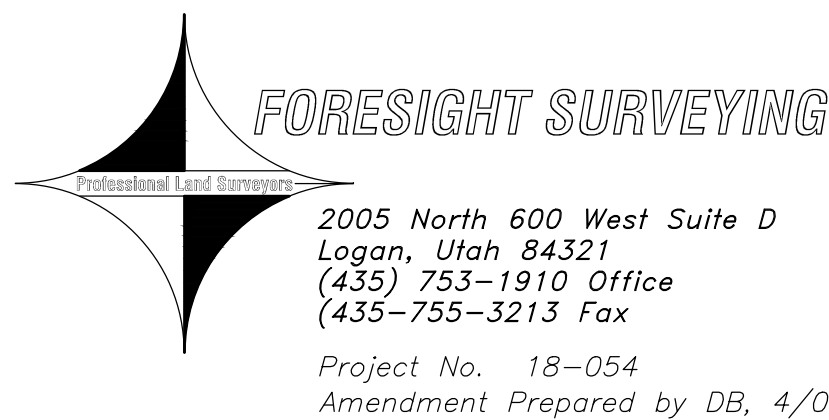


GENERAL NOTES:

- Culinary Water: Cache County has not determined the availability or adequacy of culinary water to any of the lots identified. All owners are advised of the requirements to obtain an approved culinary water source and comply with all other requirements for the issuance of a zoning clearance prior to the issuance of a building permit.
- Storm Water Drainage: Compliance with the standards of the Cache County Manual of Roadway Design and Construction Standards and State of Utah storm water permitting are required. This includes, but is not limited to, any increased level of storm water drainage from any portion of any lot or remainder parcel of this subdivision to any adjacent properties, ditches, canals, or waterways, or the alteration of any existing, historic, or natural drainage without prior written authorization provided by the effected party or entity (may include but is not limited to: adjacent property owner(s), ditch or canal company, Cache County, or the State Water Engineer's Office.)
- Agricultural Uses: Current and future property owners must be aware that they will be subject to the sights, sounds and smells associated with agricultural activities which are permitted uses in the Agricultural Zone and Forest Recreation Zone.
- Private Roads:
 - The private road 5800 South Street is not dedicated to Cache County and no maintenance or snow removal will be provided by Cache County.
 - The private road 5800 South Street shall be used by all lots in this subdivision for access to the public road.
 - All owners of this subdivision are responsible for the construction, maintenance, and removal of snow on the private road 5800 South Street.
- Agriculture Protection Area: This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on the acceptance of any circumstance related to land use which may result from such normal agricultural uses and activities.
- Setback lines are for primary buildings only.

Front: 30.00'
Rear: 25.00'
Side: 10.00'
Side along Roadway: 25.00'

Record Owners: Stephen M Wright TR
2024 West 5800 South
Wellsville, Utah 84339

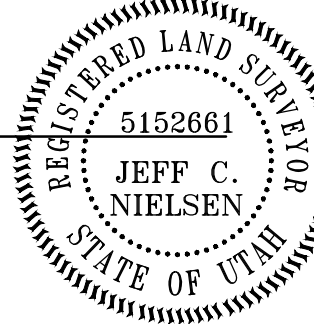


SURVEYOR'S CERTIFICATE

I, JEFF C. NIELSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 5152661 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH, I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS HEREAFTER TO BE KNOWN AS: MT. STERLING WRIGHT SUBDIVISION 1st AMENDMENT AND THE SAME HAS BEEN CORRECTLY SURVEYED AND ALL STREETS ARE THE DIMENSIONS SHOWN.

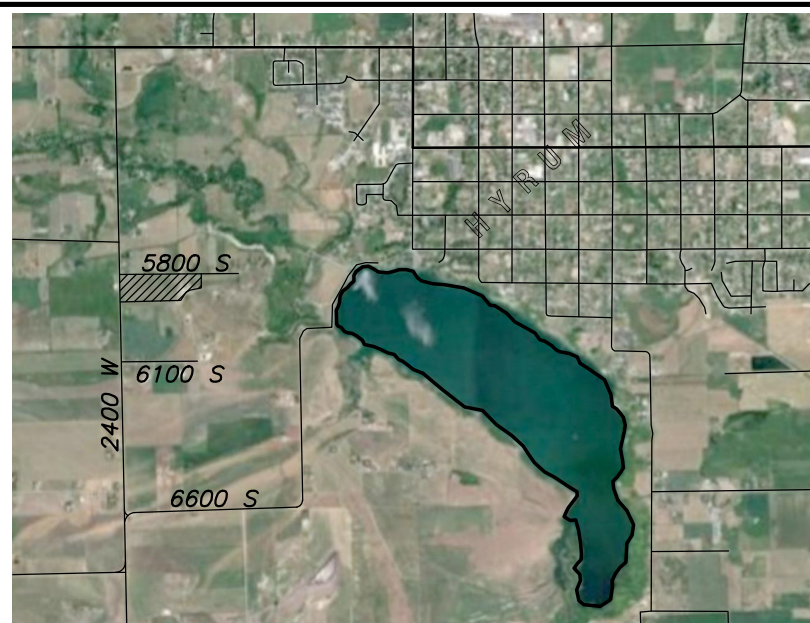
Subdivision Amendment Boundary

A PART OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 10 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN,
BEGINNING AT A POINT LOCATED SOUTH 89°46'44" EAST, A DISTANCE OF 33.00 FEET FROM THE RAILROAD SPIKE FOUND MARKING THE NORTHWEST CORNER OF THE SAID NORTHWEST QUARTER AND RUNNING THENCE SOUTH 89°46'44" EAST, A DISTANCE OF 1771.91 FEET ALONG THE NORTH LINE OF THE SAID NORTHWEST QUARTER;
THENCE SOUTH 01°13'16" WEST, A DISTANCE OF 26.00 FEET;
THENCE SOUTH 89°46'44" EAST, A DISTANCE OF 260.29 FEET;
THENCE SOUTH 01°13'16" WEST, A DISTANCE OF 295.62 FEET;
THENCE SOUTH 81°10'16" WEST, A DISTANCE OF 233.00 FEET;
THENCE NORTH 1°11'44" WEST, A DISTANCE OF 23.00 FEET;
THENCE SOUTH 81°10'16" WEST, A DISTANCE OF 30.00 FEET;
THENCE SOUTH 01°13'16" WEST, A DISTANCE OF 26.02 FEET TO THE NORTHWESTERLY BANK OF THE USA CANAL;
THENCE ALONG SAID BANK THE FOLLOWING SEVEN (7) COURSES:
(1) SOUTH 75°50'30" WEST, A DISTANCE OF 66.77 FEET;
(2) SOUTH 81°09'32" WEST, A DISTANCE OF 39.34 FEET;
(3) SOUTH 89°14'00" WEST, A DISTANCE OF 66.01 FEET;
(4) SOUTH 57°38'54" WEST, A DISTANCE OF 67.32 FEET;
(5) SOUTH 50°49'08" WEST, A DISTANCE OF 49.02 FEET;
(6) SOUTH 37°38'09" WEST, A DISTANCE OF 91.90 FEET;
(7) SOUTH 33°44'54" WEST, A DISTANCE OF 153.72 FEET TO THE NORTH LINE OF THE STEVE WRIGHT MINOR SUBDIVISION;
THENCE NORTH 89°19'47" WEST, A DISTANCE OF 549.93 FEET ALONG SAID NORTH LINE;
THENCE NORTH 01°14'06" EAST, A DISTANCE OF 650.62 FEET;
THENCE NORTH 89°46'44" WEST, A DISTANCE OF 821.65 FEET TO THE EAST LINE OF 2400 WEST STREET;
THENCE ALONG SAID EAST LINE NORTH 01°14'06" EAST, A DISTANCE OF 26.00 FEET TO THE POINT OF BEGINNING,
CONTAINING 15.23 ACRES



SIGNATURE

DATE



Vicinity Map
Cache County, Utah

OWNER'S DEDICATION

THE UNDERSIGNED, BEING ALL OWNERS OF RECORD OF THE ABOVE-DESCRIBED PARCEL OF LAND DO HEREBY SUBMIT SAID PARCEL OF LAND TO BE AMENDED AND KNOWN AS MT. STERLING WRIGHT SUBDIVISION 1st AMENDMENT. FURTHER, WE DEDICATE THE 50.00 FEET WIDE STRIP AND THE 26.00 FEET WIDE STRIP OF LAND SHOWN AS RIGHT-OF-WAY FOR 5800 SOUTH STREET, A PRIVATE ROAD AND UTILITY EASEMENT, AND HAVE EXECUTED THIS PLAT AND DEDICATION THE DAY OF _____, 20____.

Stephen M Wright, TR

Date

TRUSTEE ACKNOWLEDGMENT

state of UTAH
County of CACHE

on this _____ day of _____, _____,
personally appeared before me, the undersigned notary public in and for said county of Cache, in the state of Utah, proved to me on the basis of satisfactory evidence to be the person(s) who executed the within instrument as Trustee(s) of the _____, the
signer(s) of the within instrument, who duly acknowledged to me he(he/she) executed the same pursuant to and in accordance with the power vested in him(her) by the terms of said trust agreement.

NOTARY PUBLIC

COUNTY RECORDER'S NO.

STATE OF UTAH, COUNTY OF _____, RECORDED AND FILED
AT THE REQUEST OF: _____
DATE: _____ TIME: _____ FEE: _____
ABSTRACTED _____
INDEX _____
FILED IN: FILE OF PLATS COUNTY RECORDER

BEAR RIVER HEALTH DEPT. APPROVAL

THE SUBDIVISION DESCRIBED IN THIS PLAT HAS BEEN APPROVED BY THE BEAR RIVER HEALTH DEPARTMENT THIS _____ DAY OF _____, 20____.

BY: _____ TITLE: _____

CACHE COUNTY PLANNING COMMISSION

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

DATED THIS _____ DAY OF _____, 20____.

BY: _____
CHAIR

COUNTY ATTORNEY APPROVAL

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND APPROVE THE PLAT AS TO FORM AS REQUIRED BY STATE LAW AND COUNTY ORDINANCE.

DATE _____ CACHE COUNTY ATTORNEY

DEPUTY COUNTY SURVEYOR'S CERTIFICATE

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

DEPUTY COUNTY SURVEYOR DATE



STAFF REPORT: DOMINION ENERGY SARDINE CANYON SITE CUP

14 June 2018

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: Rick Hellstrom

Parcel ID#: 10-048-0015 (part of),
10-048-0020

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

PROJECT LOCATION

Reviewed by Angie Zetterquist

Project Address:

7300 South 4000 West
Wellsville

Current Zoning:

Acres: 1.06

Public Infrastructure (PI) Overlay

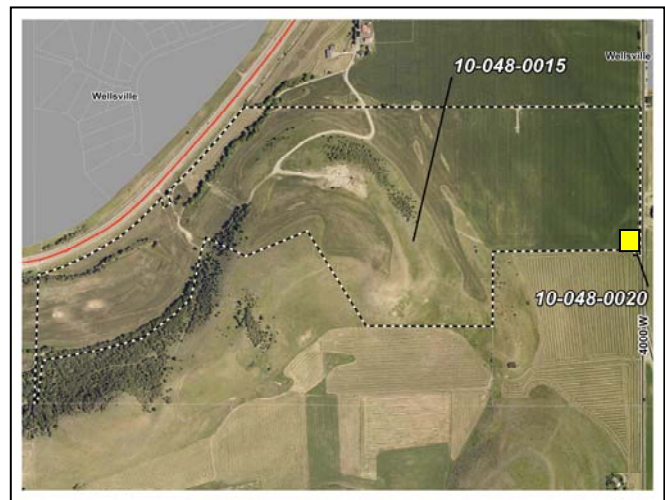
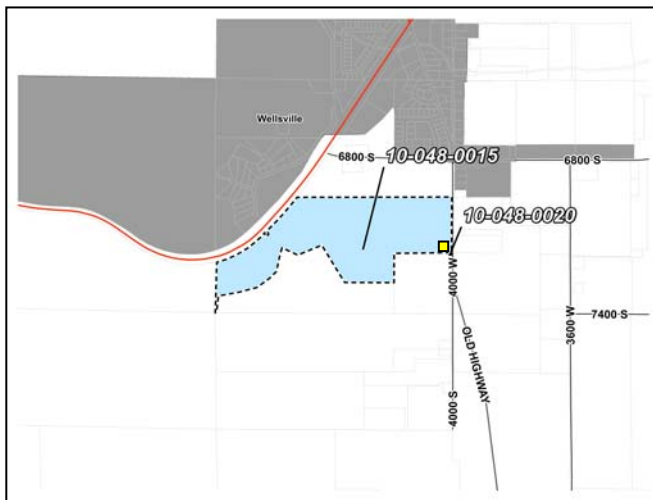
Surrounding Uses:

North – Agricultural/Residential/Wellsville

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential/Wellsville



FINDINGS OF FACT (28)

A. Request description

1. The Dominion Energy Sardine Canyon Site Conditional Permit (CUP) is a request to allow the construction of a natural gas end facility to enable inline inspections for three separate transmission pipelines that converge at this location. There is an existing facility on parcel 10-048-0020 (approximately 0.06 acres), but the proposed construction would replace and expand that use on 1.0 acre of the 146.38 acres that comprises parcel 10-048-0015 located immediately north of the existing site.
2. In March 2018, the County Council approved a rezone request to add the Public Infrastructure (PI) Overlay Zone to the subject properties that would allow the proposed use with approval of

a Conditional Use Permit (CUP). The one-acre area of 10-048-0015 that was rezoned with the PI Overlay Zone will be divided from the larger piece and become a separate parcel. This division must be completed before the CUP is recorded. As this is an unmanned gas utility facility, the State and County do not require a formal subdivision. ***See condition #1***

3. As part of the development of the site for the proposed use, the site will include a series of above ground valves that facilitate the internal inspection of the three pipelines that converge at this location. The letter of intent for the Dominion Energy Sardine Canyon Site CUP reflects the proposed use and associated improvements (Attachment A):

- a. New Construction

- i. The valves on the existing site will be removed and placed on the larger one-acre property, but the power pole and equipment in the southwest corner will remain.
- ii. In addition to the above ground valves that will be installed on the large site, a small regulator station will be constructed for the 12-inch pipeline to serve residents near the facility. At a later date, a gas heater and a 750-square-foot steel building are also being proposed; the building would house a high pressure regulator station to regulate downstream pressure on the 12-inch pipeline (Attachment B). ***See condition #2***
- iii. Other proposed improvements include grading and finishing the surface with gravel to provide adequate drainage and retention of storm water onsite, the installation of a 7-foot tall chain link fence with a barbed wire top around the perimeter, and two 30-foot wide gates for access along the road frontage.

- b. Operation

- i. The operation is an unmanned utility facility, but does require limited weekly or monthly visits for security checks and maintenance. The timetable for pipeline inspections will be determined by the applicant's engineering department in accordance with government regulations, but is generally expected to not exceed a 3-week period every seven years. Response to an emergency situation will occur as necessary.

4. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. ***See condition #3***

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 legal per the "Policy for Determination of Parcel Legality" dated 29 August 2013 as follows:

- a. 10-048-0020: Legal; Subject property was divided from 10-048-0017 in 1984 without land use authority. However, under State law divisions of property for public utility facilities

are exempt from subdivision requirements. In 1992, a CUP was approved to legalize the existing block valve assembly that had been in place since approximately 1984.

- b. 10-048-0020: Legal; a zoning clearance and building permit were issued in 2016 for a single-family residence.
- 9. §17.07.030, Use Related Definitions. The proposed use is best defined under “Use Type 5600, Utility Facility, Transmission, Compression/Pumping Station”. Utility Facility, Transmission is defined as a general term for uses including a compression/pumping station, a gas regulating facility designed to regulate the flow along major utility facilities. These type of uses are not required to comply with the minimum lot size requirement for the district in which it is located.
- 10. §17.09.030, Schedule of Uses by Zoning District, permits this use as a CUP in the Public Infrastructure (PI) Overlay Zone 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 Dominion Energy Sardine Canyon Site CUP Letter of Intent are proposed to only occur on the subject parcels 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 proposed site improvements must submit and obtain approval of a zoning clearance and building permits to ensure compliance with the applicable codes. *See condition #4*

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: There are no water rights associated with the subject properties and no need for water on site for the proposed use.
- 15. Access: The subject properties have frontage on 4000 West, which is a county road that receives maintenance at the subject location.
 - 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. 4000 West:
 - 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 and connects to a short span of Wellsville City road, 1600 South, before reconnecting with 6800 South, another county road that terminates at US Hwy 89/91.
- iii. Consist of an average 24-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. *See conclusion #3*

18. Parking:

- a. §17.22 Off Street Parking Standards – 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. However, under §17.22.020 [C], use type 5600 Utility Facility, Transmission, is exempt from the parking analysis requirement. The applicant has indicated that when employees visit the site for maintenance they will park along the frontage of 4000 West. *See conclusion #3*

19. Refuse:

- a. The applicant has stated that any refuse generated on site will be removed by their employees. Logan Environmental will not need to access the site for pick-ups and had no comments on this request.

- 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 Wellsville 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 subject property is located adjacent to 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 30 May 2018.
- 25. Notice was published in the Herald Journal on 3 June 2018.
- 26. Notices were posted in three public places on 30 May 2018.
- 27. Notices were mailed to all property owners within 300 feet and cities within 1-mile of the subject property on 31 May 2018.
- 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. Prior to recordation, the division of the one-acre parcel from parcel 10-048-0015 must be completed through the Recorder's Office. *See A-2*
2. A Land Disturbance Permit is required for any future development. *See A-3*
3. The applicant shall operate the utility facility in accordance with the Letter of Intent provided and any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. *See A-4*
4. The applicant must obtain the required zoning clearances and building permits for the proposed improvements to the site prior to construction. *See D-12*

CONCLUSIONS (3)

Based on the findings of fact and conditions noted herein, the Dominion Energy Sardine Canyon Site 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, and, as per §17.22.020-C-2, are also exempt from parking standards. *See E-16, E-17, E-18*

Dominion Energy Utah
1140 West 200 South, Salt Lake City, UT 84104
Mailing Address:
P.O. Box 45360, Salt Lake City, UT 84145-0360
DominionEnergy.com



April 30, 2018

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

RE: LETTER OF INTENT
Conditional Use Permit Application
Dominion Energy Sardine Canyon Site

To Whom It May Concern:

Dominion Energy Utah (Dominion) proposes to construct a natural gas facility on 1.06 acres of land located at approximately 7300 South 4000 West, Cache County, Utah. The proposed site was approved for a Public Infrastructure (PI) Overlay Rezone by the County Council on April 10, 2018.

Dominion proposes to construct a natural gas end facility on the site. The conditional use request is as follows:

- a) The site is where three separate natural gas pipelines, owned by Dominion, converge. The pipelines are, one 12", one 20" and one presently proposed 24" pipeline. All three pipelines are high pressure (steel) natural gas lines. The proposed facility will make it possible for Dominion to conduct inline inspections of the three lines to meet DOT pipeline inspection requirements.
The end facility consists of a series of above ground valves that facilitate the insertion/removal of the tools used to conduct the internal inspection of each of the pipelines.
There will also be a small, "post type" regulator station installed, on the 12" pipeline, to serve residents near the site. This would be the relocation of the existing station located in the 4000 West corridor.
The site would be graded and surfaced with gravel to provide adequate drainage, and retention of storm water on site.
At a future date Dominion would construct a steel building (approx. 25' X 30' in size) to house a high pressure regulator station, to regulate downstream pressures in the 12" pipeline. This may also include the installation of a gas heater. Building elevations and specifications would be submitted to Cache County prior to construction of the steel building.
- b) This is proposed as an unmanned site. There will be no daily presence of Dominion personnel on the property. Rather, other than limited weekly or monthly patrols of the facility, for security reasons, and periodic maintenance of the equipment, the main use of

the property will be to conduct the inline inspections at intervals to be determined by our engineering department, but not to exceed DOT requirements. Typical inline inspection requires approximately 3 weeks from start of mobilization until cleanup.

Current DOT requirements are that a direct assessment of pipelines of this type be conducted a minimum of every seven years.

- c) This will be an unmanned site. Future use of the facility will be limited as outlined above, and during normal construction hours, typically 8:00 am to 10:00 pm, unless otherwise permitted through Cache County on an as needed basis.
- d) During operation of the facility parking would be within the site and/or along the 4000 West frontage.
- e) Signage would be limited to small signs attached to the fence/gates, identifying ownership of the facility, and possibly security related warnings.
- f) Equipment for the operation of the facility would only be on site during inspections (approx. 3 weeks, including set-up and take down) would include: a semi-truck or two for delivery of the needed equipment, a crane for tool insertion into the pipeline, Baker tanks for capture of liquids in the pipeline, various trucks for personnel of Dominion and its contractors and similar vehicles.
- g) Any waste that may be generated during our use of the facility will be removed from the site.

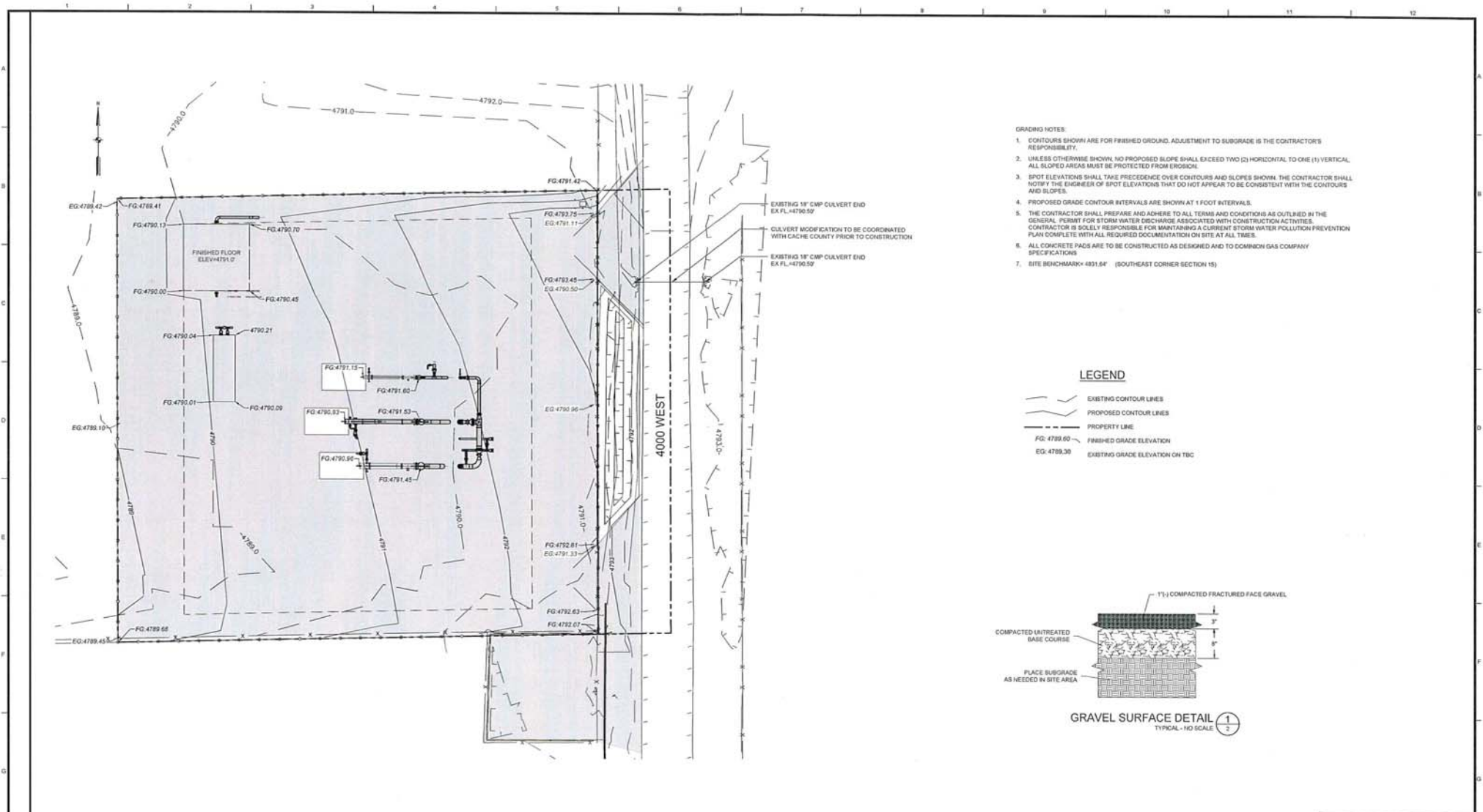
A site plan and supporting documentation will be submitted with the application for the conditional use permit.

Please contact me if any additional information is need to process this application for the next Planning Commission meeting.

Sincerely,



Rick Hellstrom
Land Agent Consultant
801-232-8153

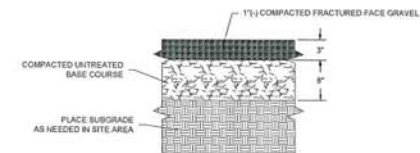


GRADING NOTES:

1. CONTOURS SHOWN ARE FOR FINISHED GROUND. ADJUSTMENT TO SUBGRADE IS THE CONTRACTOR'S RESPONSIBILITY.
2. UNLESS OTHERWISE SHOWN, NO PROPOSED SLOPE SHALL EXCEED TWO (2) HORIZONTAL TO ONE (1) VERTICAL. ALL SLOPED AREAS MUST BE PROTECTED FROM EROSION.
3. SPOT ELEVATIONS SHALL TAKE PRECEDENCE OVER CONTOURS AND SLOPES SHOWN. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF SPOT ELEVATIONS THAT DO NOT APPEAR TO BE CONSISTENT WITH THE CONTOURS AND SLOPES.
4. PROPOSED GRADE CONTOUR INTERVALS ARE SHOWN AT 1 FOOT INTERVALS.
5. THE CONTRACTOR SHALL PREPARE AND ADHERE TO ALL TERMS AND CONDITIONS AS OUTLINED IN THE GENERAL PERMIT FOR STORM WATER DISCHARGE ASSOCIATED WITH CONSTRUCTION ACTIVITIES. CONTRACTOR IS SOLELY RESPONSIBLE FOR MAINTAINING A CURRENT STORM WATER POLLUTION PREVENTION PLAN COMPLETE WITH ALL REQUIRED DOCUMENTATION ON SITE AT ALL TIMES.
6. ALL CONCRETE PADS ARE TO BE CONSTRUCTED AS DESIGNED AND TO DOMINION GAS COMPANY SPECIFICATIONS.
7. SITE BENCHMARK= 4831.64' (SOUTHEAST CORNER SECTION 15)

LEGEND

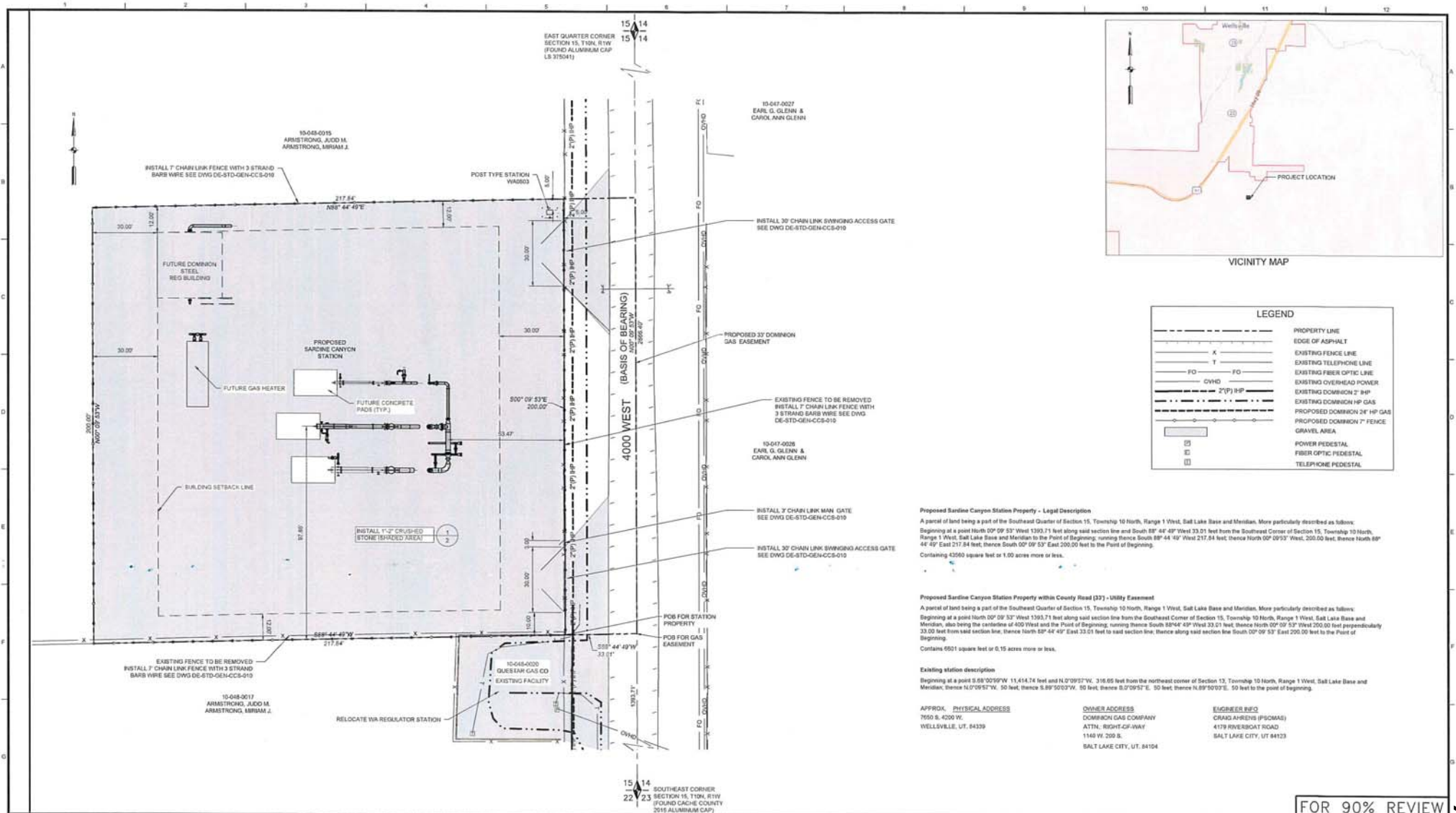
- EXISTING CONTOUR LINES
- PROPOSED CONTOUR LINES
- PROPERTY LINE
- FG 4790.00 FINISHED GRADE ELEVATION
- EG 4789.30 EXISTING GRADE ELEVATION ON TBC



GRAVEL SURFACE DETAIL ①
TYPICAL - NO SCALE

FOR 90% REVIEW

REFERENCE DRAWINGS		WORK ORDERS		REVISIONS				ENGINEERING RECORD		FOR 90% REVIEW			
DRAWING NUMBER	REV	DRAWING DESCRIPTION	WO NUMBER	DESCRIPTION	NO	DESCRIPTION	DATE	BY	CHECK	DRAWN BY: J. JOHNSON	CITY	COUNTY	STATE
			5104323	FL-127 PHASE I (REPLACEMENT OF FORMERLY FL-23)	A	FOR 90% REVIEW	6-29-18	JAJ	CEA	CHECKED BY: D. BROX	WELLSVILLE	CACHE	UTAH
										PROJECT ENGINEER: T. CORDINGLY			
										SURVEYOR: P. SOMAS			
										ENGINEERING SUPERVISOR: M. GILL			
										CONSTRUCTION MANAGER: J. FOX			
APPROVED FOR CONSTRUCTION										SECTION: 15	T10N	R 10W	
										ELEVATION: N/A			
										LAT: 41.82479	LONG: -111.93015		
										SCALE: 1" = 20'			
THE INFORMATION AND CONCEPTS CONTAINED IN THIS DOCUMENT ARE CONFIDENTIAL AND THE PROPERTY OF QUESTAR AND/OR THE CLIENT IDENTIFIED. DUPLICATION OR USE OF THIS INFORMATION AND/OR CONSTRUCTION OF SYSTEMS BASED ON THIS DOCUMENT ARE STRICTLY PROHIBITED WITHOUT WRITTEN AUTHORIZATION FROM QUESTAR.										DOMINION ENERGY UTAH			
										FL-127 SARDINE CANYON CROSSOVER GRADE PLAN			
										SARDINE CANYON STATION 7550 S 4200 W			
										DEU-X-F127-SDCYNX-CCS-001			
										SHEET 2 OF 2			
										REVISION A			



REFERENCE DRAWINGS		WORK ORDERS		REVISIONS		ENGINEERING RECORD		DRAWING INFORMATION	
DRAWING NUMBER	REV	DRAWING DESCRIPTION	NO	DESCRIPTION	DATE	BY	CHECK	PROJECT NUMBER	PROJECT NAME
DWG DE-STD-GEN-CCS-010	0	CHAIN LINK FENCING	01045233	FL-127 PHASE I REPLACEMENT (FORMERLY FL-23)	4-30-18	JAJ	CEA	FL-127	SARDINE CANYON CROSSOVER
QSC-STD-GEN-CCS-001	1	8" CONCRETE SLAB ON GRADE						RETIRE 12" HP AND INSTALL 24" HP	SARDINE CANYON STATION
								7650 S 4200 W	
								CITY	COUNTY
								WELLSVILLE	CACHE
								STATE	UTAH
								DEU-X-F127-SDCYNX-CCS-001	1 OF 2
								SCALE: 1"=20'	REVISION A

THE INFORMATION AND CONCEPTS CONTAINED IN THIS DOCUMENT ARE CONFIDENTIAL AND THE PROPERTY OF QUESTAR AND/OR THE CLIENT IDENTIFIED. DUPLICATION OR USE OF THIS INFORMATION AND/OR CONSTRUCTION OF SYSTEMS BASED ON THIS DOCUMENT ARE STRICTLY PROHIBITED WITHOUT WRITTEN AUTHORIZATION FROM QUESTAR.



Photo of facility similar to the proposed
Dominion Energy Sardine Canyon Site

STAFF REPORT: CREEKSIDE ESTATES SUBDIVISION

14 June 2018

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: Duane Williams

Parcel ID#: 08-091-0008, -0013

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

LOCATION

Reviewed by Angie Zetterquist

Project Address:

800 West 100 South
Smithfield

Current Zoning:

Agricultural (A10)

Acres: 34.0

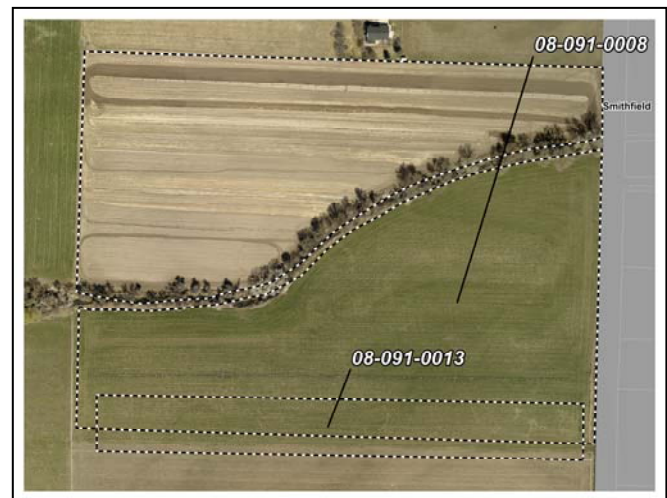
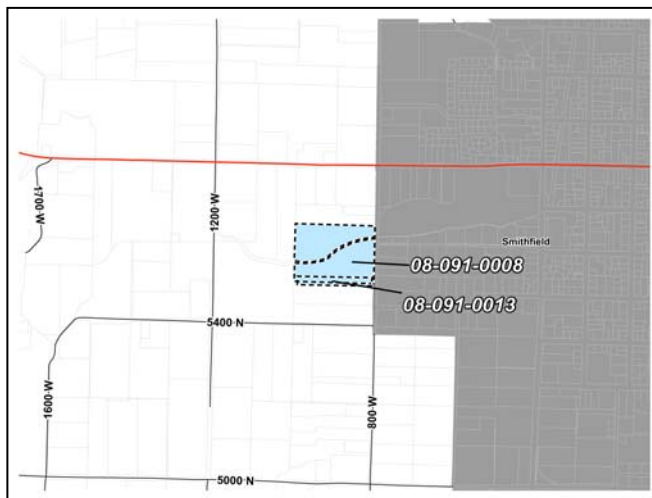
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential/Smithfield City

West – Agricultural



FINDINGS OF FACT (13)

A. Request description

1. This request for a new subdivision was originally scheduled for the March 2018 Planning Commission meeting, but was continued for up to 90 days for the applicant to work with Smithfield City on access to the subdivision from 800 West, a Smithfield City road. Staff is not aware that any agreement has been reached between the applicant and Smithfield City, however, as the 90 day continuance is ending, the request must be brought back to the Commission for action.

2. The Creekside Estates Subdivision is a request for a seven-lot subdivision.
 - a. Lot 1 will be 9.96 acres;
 - b. Lot 2 will be 2.00 acres;
 - c. Lot 3 will be 2.00 acres;
 - d. Lot 4 will be 6.71 acres;
 - e. Lot 5 will be 6.03 acres;
 - f. Lot 6 will be 1.12 acres; and
 - g. Lot 7 will be 3.35 acres.

B. Parcel legality

3. Both parcels are legal lots, identified as 1970 parcels as per the “Policy for Determination of Parcel Legality” dated 29 August 2013. Properties identified as 1970 parcels may develop the first three lots at a density of 1 unit/2 acres and subsequent division must develop at a density of 1 unit/10 acres. Under the existing development density standards, parcel 08-091-0008 which is 30 acres in size would be allowed a maximum development potential of 3 lots based on 1 unit/10 acres, but with the 1970s designation the development potential is 5 lots. Parcel 08-091-0013 at 4.0 acres would be allowed a maximum development potential of 1 lot under the base standards, but as a 1970 parcel is allowed 2 lots.

C. Authority

4. §17.02.060 Establishment of Land Use Authority – The County Council is authorized to act as the Land Use Authority for this application. *See conclusion #1*

D. Culinary water, septic system, storm water, and irrigation system

5. §16.04.080 [A] Water Requirements – An approved domestic culinary water right is required for each proposed lot in a new subdivision. The applicant has applications in process for seven domestic water rights as well as irrigation and stock water under the following base water right numbers with the State Water Division: 25-11449, 25-11450, 25-11451, 25-11452, 25-11453, 25-11454, and 25-11456. Prior to recordation of the subdivision, the applicant must provide a valid, approved domestic water right for each lot. *See condition #1*
6. §16.04.080 [B] Sewage Requirements – Bear River Health Department (BRHD) has determined that a septic system is feasible for each proposed lot.
7. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit is required for any future development. *See condition #2*

E. Access

1. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
2. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
3. A basic review of the access to the existing parcels identifies the following:
 - a. The existing parcels have frontage along 800 West. The applicant is proposing to access the lots in the new subdivision from two proposed private drives, 5600 North & 5700 North, off of 800 West.
 - b. 800 West:
 - i. Is a Smithfield City road that provides access to the general public and is under the jurisdiction of Smithfield City.
 - ii. Per §5.6(A) of the Road Manual, no development within the unincorporated County shall be permitted to utilize a roadway for direct access that is under the jurisdiction of a municipality without express written approval from the affected municipality.

- iii. With the original application submittal, the applicant provided a letter from the Mayor of Smithfield, Jeffrey H. Barnes, dated January 24, 2018, giving approval for two access points off of 800 West. However, after the City was notified of the application, there were conflicting opinions between the Mayor, City Council, and Administration regarding the access, which was the basis of the 90-day continuance. Since that time, staff is aware there have been some discussions between the applicant and Smithfield City about access, but no formal agreement. As there have no official updates from the applicant and the 90-day continuance has ended, staff can only evaluate the information submitted as part of the application. *See condition #3*
- c. Private roads (proposed):
 - i. The proposed private roads, 5600 North & 5700 North, will provide access to the 7-lot subdivision.
 - ii. 5600 North will provide access to Lots 4, 5, 6, & 7, and 5700 North will provide access to Lots 1, 2, & 3.
 - iii. 5600 North runs 679.53 linear feet east to west before a cul de sac and then the road turns south for 317 linear feet before it dead ends at the south property line.
 - iv. 5700 North runs east west along the full length of the property, 1,326.40 feet. At the 1,016.55 foot mark the road turns south for 332.44 additional feet before it ends in a cul de sac.
 - v. §2.5(E) of the Road Manual prohibits dead end roadways greater than 500 linear feet in order to promote road connectivity and mobility options.
 - vi. Table 2.2 – Roadway Typical Sections of the Road Manual allows private roads to provide access for a maximum of 30 average daily trips, which equates to a maximum of three single-family residences at 10 ADT each.
 - vii. The proposed private roads must be redesigned on the subdivision plat to meet all requirements of the Road Manual or the applicant must submit and obtain approval of a design exception. Further, the numerical designation of the proposed private roads does not correspond with the County road grid and should be realigned or renumbered. *See condition #4 & #5*

F. Service Provision

- 4. §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 Smithfield Fire Department.
- 5. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental has identified that collection for the proposed lots will occur on 800 West for Friday collection; no collection services will be provided on the private roads. The applicant must provide sufficient should space along 800 West for the refuse and recycling containers to be 3-to-4 feet apart and be placed far enough off the road so as not to interfere with passing traffic.
- 6. §16.04.080 [D] School Bus Service – School bus service is provided through a stop at 200 South 800 West.

G. Sensitive Areas

- 7. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
 - a. A canal owned by the Smithfield Irrigation Company runs through the middle of the proposed subdivision. Development shall not occur in waterways.
 - b. FEMA FIRM Floodplain and floodplain buffer has been identified on portions of the proposed subdivision. Any future development must meet current Code requirements.

- c. The properties are located within the Airport Influence Area. Disclosure of airport proximity to future property owners is required per §17.17.060 Schedule of Uses. *See condition #5*

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

8. Public notice was posted online to the Utah Public Notice Website on 30 May 2018.
9. Notice was published in the Herald Journal on 3 June 2018.
10. Notices were posted in three public places on 30 May 2018.
11. Notices were mailed to all property owners within 300 feet of the subject property on 31 May 2018.
12. Smithfield City was notified via email 30 May 2018.
13. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (6)

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

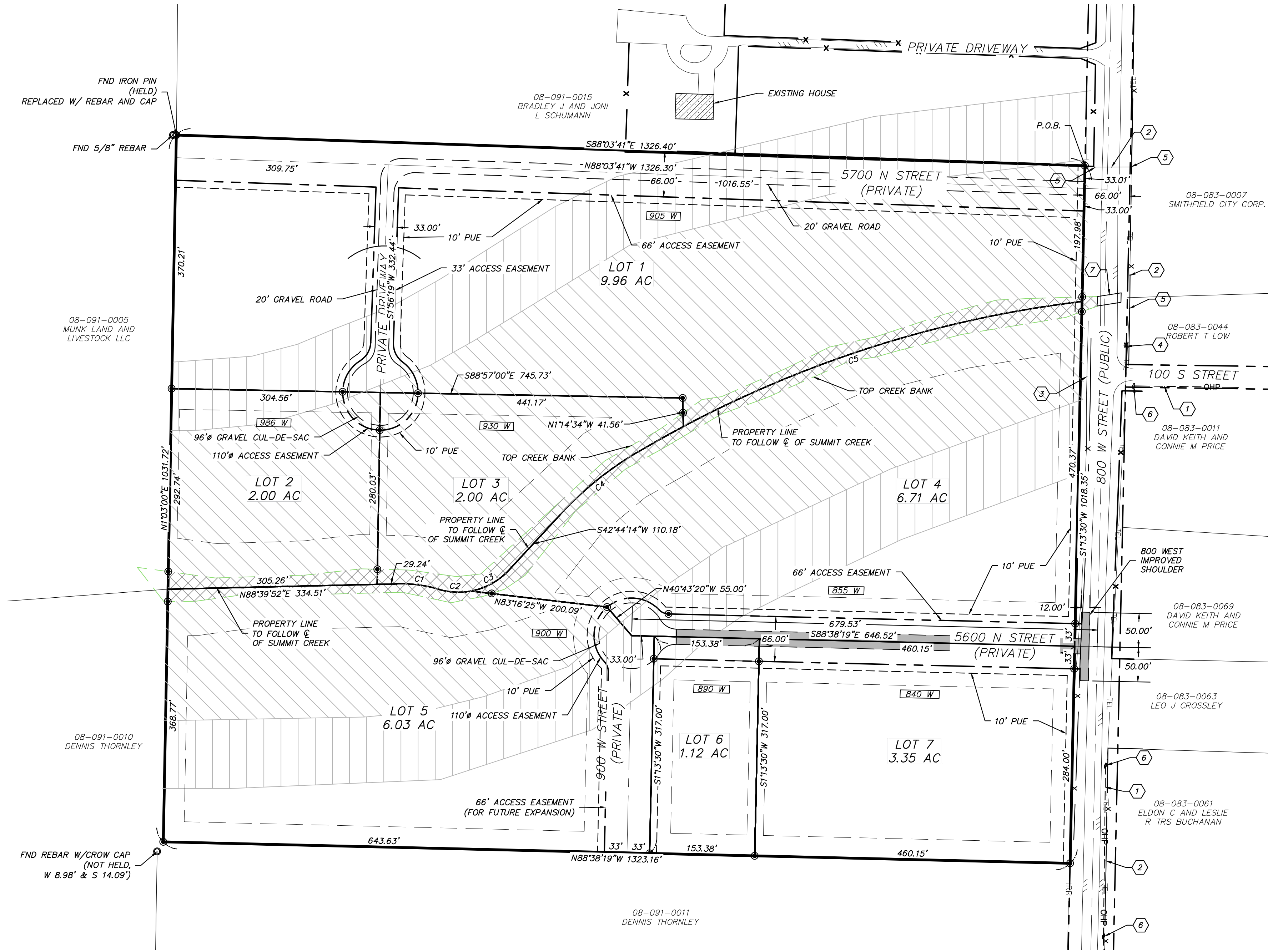
1. Prior to recordation, the applicant must provide proof of an approved, domestic water right for each lot in the subdivision in the name of the owner. (*See D-4*)
2. A Land Disturbance Permit is required for any future development. (*See D-6*)
3. Prior to recordation, the applicant must obtain any required Smithfield City permitting for access from 800 West and provide a copy of said requirement and permitting to the Development Services Office. (*See E-3-b*)
4. Prior to recordation, the applicant must redesign the private roads to comply with the Road Manual or submit and receive approval of a design exception. The road numbering must be consistent with the County road grid.
5. Prior to recordation, the required road improvements as specified in the Road Manual must be made to the private roads that meet the minimum standards for a private road. The design of the private roads providing access to the subdivision 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-3-c*)
6. The applicant must disclose to future property owners that the subdivision is located within the Airport Influence Area. (*See G-15*)

CONCLUSIONS (2)

Based on the findings of fact and conditions noted herein, staff recommends approval of the Creekside Estates Subdivision as:

1. The Planning Commission is authorized to act as the Land Use Authority for this application (*See C-3*), and;
2. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Subdivision and Land Use Ordinances.

CREEKSID ESTATES
PART OF SE 1/4 SEC 29, T13N, R1E, SLM
CACHE COUNTY, UTAH



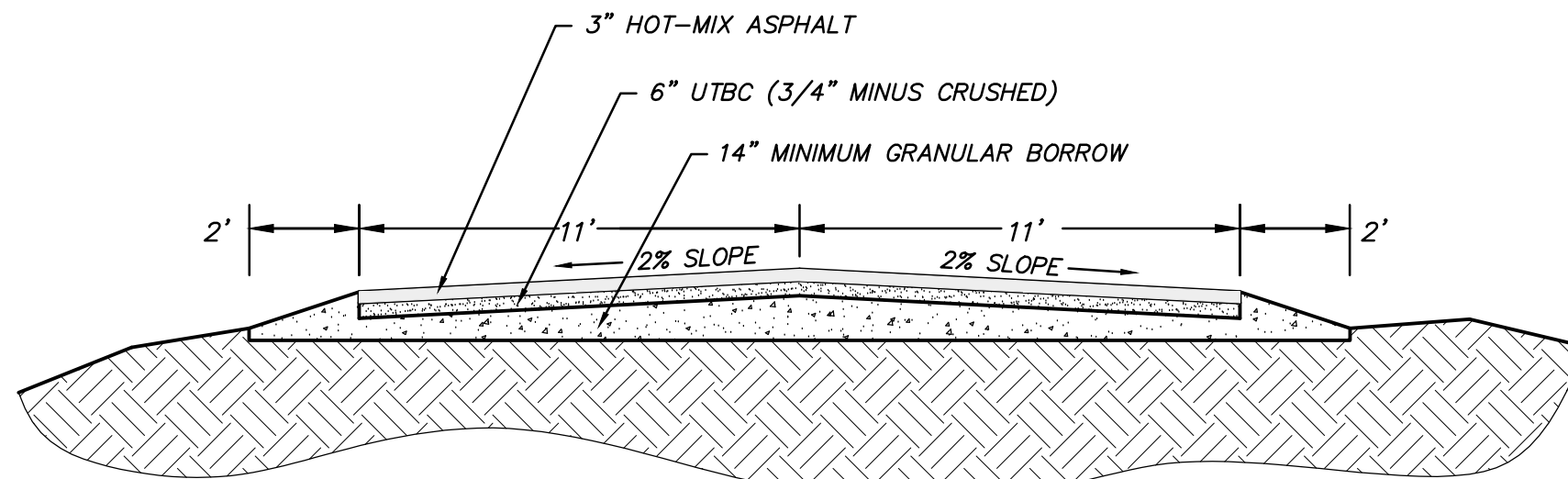
SURVEY NARRATIVE

THIS SURVEY WAS ORDERED BY DUANE WILLIAMS FOR THE PURPOSE OF SUBDIVIDING THE SUBJECT PARCEL AS SHOWN. PREVIOUS SURVEYS, TOGETHER WITH DEEDS, FENCES, AND OTHER EVIDENCE WERE USED TO RE-ESTABLISH THE BOUNDARY AS SHOWN. NO MAJOR DISCREPANCIES WERE FOUND.

REBARS W/CAPS STAMPED "STEVEN C. EARL PLS 318575" WERE SET AT ALL CORNERS, EXCEPTIONS NOTED.

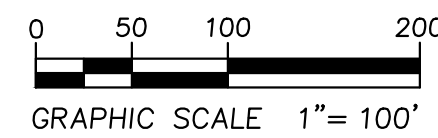
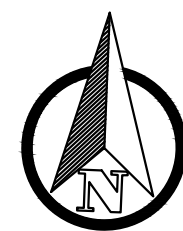
NOTES & RESTRICTIONS

- AGRICULTURAL USES: CURRENT AND FUTURE PROPERTY OWNERS MUST BE AWARE THAT THEY WILL BE SUBJECT TO THE SIGHTS, SOUNDS, AND SMELLS ASSOCIATED WITH AGRICULTURAL ACTIVITIES WHICH ARE PERMITTED USES IN THE AGRICULTURAL ZONE AND FOREST RECREATION ZONE.
- CULINARY WATER: CACHE COUNTY HAS NOT DETERMINED THE AVAILABILITY OR ADEQUACY OF CULINARY WATER TO ANY OF THE LOTS IDENTIFIED. ALL OWNERS ARE ADVISED OF THE REQUIREMENTS TO OBTAIN AN APPROVED CULINARY WATER SOURCE AND COMPLY WITH ALL OTHER REQUIREMENTS FOR THE ISSUANCE OF A ZONING CLEARANCE, PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- STORM WATER DRAINAGE: NO INCREASED LEVEL OF STORM WATER DRAINAGE SHALL BE ALLOWED TO FLOW FROM ANY PORTION OF ANY LOT OR REMAINDER PARCEL OF THIS SUBDIVISION TO ANY ADJACENT PROPERTIES, DITCHES, CANALS, OR WATERWAYS NOR MAY ANY EXISTING, HISTORIC, OR NATURAL DRAINAGE BE ALTERED WITHOUT PRIOR WRITTEN AUTHORIZATION PROVIDED BY THE AFFECTED PARTY OR ENTITY (MAY INCLUDING BUT IS NOT LIMITED TO: ADJACENT PROPERTY OWNER(S), DITCH OR CANAL COMPANY, CACHE COUNTY, OR THE STATE WATER ENGINEER'S OFFICE).
- COUNTY BUILDING SETBACKS ARE 30' FRONT YARD, 30' REAR YARD, 12' SIDE YARD, 30' SIDE YARD ALONG A ROAD, AND 50' ALONG A WATERWAY. BUILDING SETBACKS ARE FOR PRIMARY BUILDINGS.
- NO SLOPES OF 20% OR GREATER WERE FOUND ON THIS PROPERTY.
- ACCESS EASEMENTS ARE FOR INGRESS/EGRESS AND CONSTRUCTION AND MAINTENANCE OF PRIVATE ROADWAYS/DRIVEWAY.



1 TYPICAL 22' ROAD CROSS SECTION
SCALE: NTS

OWNER OF RECORD
B-R PROPERTY DEVELOPMENTS LLC.
c/o DUANE WILLIAMS
73 S 300 W
SMITHFIELD, UT 84335

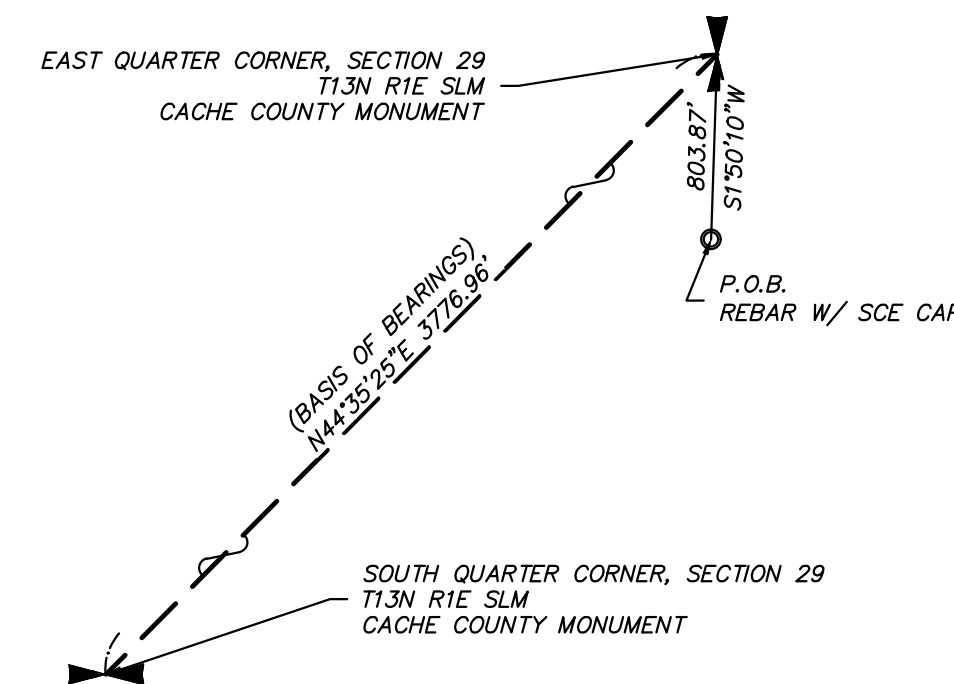


LEGEND

- BOUNDARY
- SECTION LINE
- NEW LOT LINE
- RIGHT-OF-WAY LINE
- EASEMENT
- FENCE
- EDGE OF ROADWAY
- SETBACKS
30FT - FRONT AND BACK
12FT - SIDES
- R/W / ACCESS EASEMENT
- PROPERTY CORNER
- FOUND MARKER
- SECTION CORNER
- EXISTING BUILDING
- FLOODWAY
- 100 YR. FLOODPLAIN
- 100' FLOODPLAIN BUFFER
- PROPOSED ASPHALT

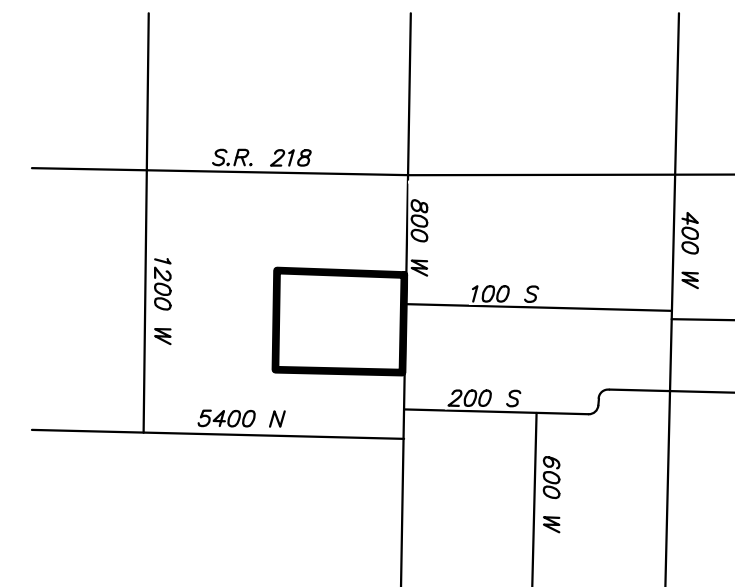
KEY NOTES

- OVERHEAD POWER
- UNDERGROUND TELEPHONE LINE
- IRRIGATION LINE
- FIRE HYDRANT
- TELEPHONE RISER
- POWER POLE
- BOX CULVERT



CURVE TABLE					
CURVE	LENGTH	RADIUS	Δ	CH. BEARING	CHORD
C1	61.96'	200.00'	17°44'57"	N82°27'40"W	61.71'
C2	46.76'	100.00'	26°47'26"	S86°58'54"E	46.33'
C3	64.38'	100.00'	36°53'09"	N61°10'48"E	63.27'
C4	144.33'	500.00'	16°32'21"	S51°00'25"W	143.83'
C5	691.22'	1657.08'	23°53'59"	S71°13'35"W	686.22'

VICINITY MAP



BEAR RIVER HEALTH DEPARTMENT
APPROVAL

THE SUBDIVISION DESCRIBED IN THIS PLAT HAS BEEN APPROVED BY THE BEAR RIVER HEALTH DEPARTMENT THIS ____ DAY OF _____, 2018.

BY: _____ TITLE: _____

SURVEY CERTIFICATE

I, STEVEN C. EARL, A PROFESSIONAL LAND SURVEYOR, HOLD CERTIFICATE NO. 318575-2201, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND DO HEREBY CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT, WHICH IS ACCURATELY DESCRIBED HEREON, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, STREETS, AND EASEMENTS TO BE HEREAFTER KNOWN AS CREEKSID ESTATES, AND THAT THE SAME HAS BEEN SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

LEGAL DESCRIPTION

PART OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 13 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN, LOCATED IN THE COUNTY OF CACHE, STATE OF UTAH, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION; THENCE N44°35'25"E 3776.96 FEET TO THE EAST QUARTER CORNER OF SAID SECTION; THENCE S1°50'10"W 803.87 FEET TO THE POINT OF BEGINNING ON THE WEST LINE OF 800 WEST STREET; THENCE S1°13'30"W 1018.35 ALONG SAID WEST LINE OF 800 WEST STREET; THENCE N88°38'19"W 1323.16 FEET; THENCE N1°03'00"E 1031.72 FEET TO AN IRON PIN; THENCE S88°03'41"E 13326.40 FEET ALONG SOUTH LINE OF LOT 1 OF TOM PITCHER LOT SPLIT SUBDIVISION TO THE POINT OF BEGINNING;

CONTAINING 31.17 ACRES, MORE OR LESS.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE TRACT OF LAND DEPICTED HEREON, CAUSE THE SAME TO BE SUBDIVIDED INTO LOTS TO BE HERINAFTER KNOWN AS: CREEKSID ESTATES

FURTHERMORE WE DEDICATE, GRANT, AND CONVEY TO ALL PUBLIC UTILITY AGENCIES, THEIR SUCCESSORS AND ASSIGNS, A PERMANENT EASEMENT AND RIGHT-OF-WAY OVER, UNDER, ACROSS, AND THROUGH THOSE AREAS DESIGNATED ON THIS PLAT AS "PUBLIC UTILITY EASEMENTS" FOR THE CONSTRUCTION AND MAINTENANCE OF SUBTERRANEAN ELECTRICAL, TELEPHONE, NATURAL GAS, SEWER, WATER AND DRAINAGE LINES AND APPURTENANCES, TOGETHER WITH THE RIGHT OF ACCESS THERETO, WHICH WOULD REQUIRE THAT ANY SURFACE CONSTRUCTION BE ALLOWED WHICH WOULD INTERFERE WITH NORMAL UTILITY USE. IT IS UNDERSTOOD THAT IF IT BECOMES NECESSARY TO RELOCATE SAID UTILITIES AT THE INSTANCE OR REQUEST OF ANY PUBLIC ENTITY OR THE OWNER, THE COSTS AND EXPENSES INCURRED THEREBY WILL BE BORNE BY THE OWNER OR THE ENTITY REQUIRING OR REQUESTING THE SAME.

FURTHERMORE, WE INCORPORATE THE NOTES AND RESTRICTIONS AS LISTED HEREON.

B-R PROPERTY DEVELOPMENTS LLC.

DUANE WILLIAMS, MANAGING MEMBER

ACKNOWLEDGMENT

STATE OF _____

COUNTY OF _____

ON THIS ____ DAY OF _____, IN THE YEAR 2018, BEFORE ME _____, A NOTARY PUBLIC, PERSONALLY APPEARED DUANE WILLIAMS, MANAGING MEMBER OF THE B-R PROPERTY DEVELOPMENTS LLC, AND IS THE SAID PERSON WHOSE NAME IS SUBSCRIBED TO THIS INSTRUMENT AND THAT SAID DOCUMENT WAS SIGNED BY HIM IN BEHALF OF SAID B-R PROPERTY DEVELOPMENTS LLC BY AUTHORITY OF ITS BYLAWS.

NOTARY PUBLIC SIGNATURE: _____
NOTARY PUBLIC FULL NAME: _____
COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH

COUNTY ATTORNEY APPROVAL

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND APPROVE THIS PLAT AS TO FORM AS REQUIRED BY STATE LAW AND AND COUNTY ORDINANCE.

DATE _____ CACHE COUNTY ATTORNEY _____

DEPUTY COUNTY SURVEYOR

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

DATE _____ DEPUTY COUNTY SURVEYOR _____

CACHE COUNTY PLANNING COMMISSION

THIS PLAT WAS RECOMMENDED FOR APPROVAL/DENIAL BY THE PLANNING COMMISSION ON THE ____ DAY OF _____, 20____.
DATED THIS ____ DAY OF _____, 2018.

CHAIR

CACHE COUNTY COUNCIL

THIS PLAT WAS APPROVED AND ACCEPTED BY THE CACHE COUNTY COUNCIL ON THE ____ DAY OF _____, 2018. DATED THIS ____ DAY OF _____, 2018.

BY: _____ CHAIR

ATTESTED TO: _____ CACHE COUNTY CLERK

COUNTY RECORDER'S NO. _____

STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT THE REQUEST OF _____ TIME _____ FEE _____
DATE _____ ABSTRACTED _____

INDEX FILED IN: FILE OF PLATS _____ MICHAEL GLEED, COUNTY RECORDER



PRELIMINARY PLAT

SHEET DESCRIPTION

CREEKSID ESTATES

PROJECT TITLE



Cache • Landmark
Engineers
Surveyors
Planners

95 Golf Course Rd.
Suite 101
Logan, UT 84321
435.713.0099

DATE: 30 JANUARY 2018

SCALE: 1" = 100'

CALCULATIONS BY: J. DAY

CHECKED BY: S. EARL

APPROVED BY: S. EARL

PROJECT NUMBER: 17081DAY

SHEET: 1 of 1

MEMORANDUM

26 April 2018

Zanavoo Property – A request to amend the Cache County Land Use Ordinance (Land Use Code)

This amendment is being pursued by the property owner of the Zanavoo property (3.77 ac.) in Logan Canyon where they intend to place approximately 34 apartment units (Attachment 1). The existing Commercial Zone allows a maximum of 2 units per acre and a 0.5 acre minimum lot size. This allows a maximum of 7 units on the property.

The intent of this staff memo is to expand the focus and impacts of the request beyond a single property, and to examine the proposal to amend the Land Use Code in the larger context of the county.

An initial request to amend the Land Use Code was previously submitted for Planning Commission discussion (Attachment 2). Staff responded to that request with a memorandum issued on March 20, 2018 (Attachment 3). After reviewing staff's response to the memorandum, the initial request was then withdrawn by the applicant and the second, specific request was submitted to amend the Land Use Code (Attachment 4) to allow multi-family development. This second request is focused on amending sections 17.09.030 Schedule of Uses by Zoning District, and 17.10.030 Development Density and Standards Specific to Base Zoning Districts.

Proposed amendment 1: §17.09.030, Schedule of Uses by Zoning District: Replace “N” with a “P” under the “C” column for Use Type 1300 Multi-Family Dwelling.

Staff discussion:

“N” = Prohibited;

“P” = Permitted without review and permit from the Land Use Authority.

“C” references the Commercial Zone.

The proposed amendment allows Use Type 1300 Multi-Family Dwelling, currently a prohibited use in the Commercial Zone (C), as a permitted use in the C zone. As a permitted use, it removes any future proposals from the review and permitting of the Land Use Authority prior to issuance of a building permit.

Currently, Use Type 1300 Multi-Family Dwelling is a use type that is only permitted as a conditional use in the Resort Recreation (“RR”) Zone. This use allows “A building or portion thereof containing two or more dwelling units”. The RR zone accommodates large scale development that includes a minimum area of 2,000 acres, additional requirements such as ski or golf facilities, and at least one residential/commercial core. Conditional Use Permit (CUP) review is under the authority of the Planning Commission.

Proposed amendment 2: §17.10.030, Development Density and Standards Specific to Base Zoning Districts, be amended to include a sub-section paragraph “D” to read as follows:

“Multi-Family Dwellings, 1300, shall be a permitted use within Commercial Zones at a density limited at 15 total Dwelling Units per acre regardless of the size of each Dwelling Unit, with the size of each Dwelling Unit not to exceed 2,000 square feet, and shall be subject to all applicable commercial development standards pursuant to Chapter 17.10.”

Staff discussion:

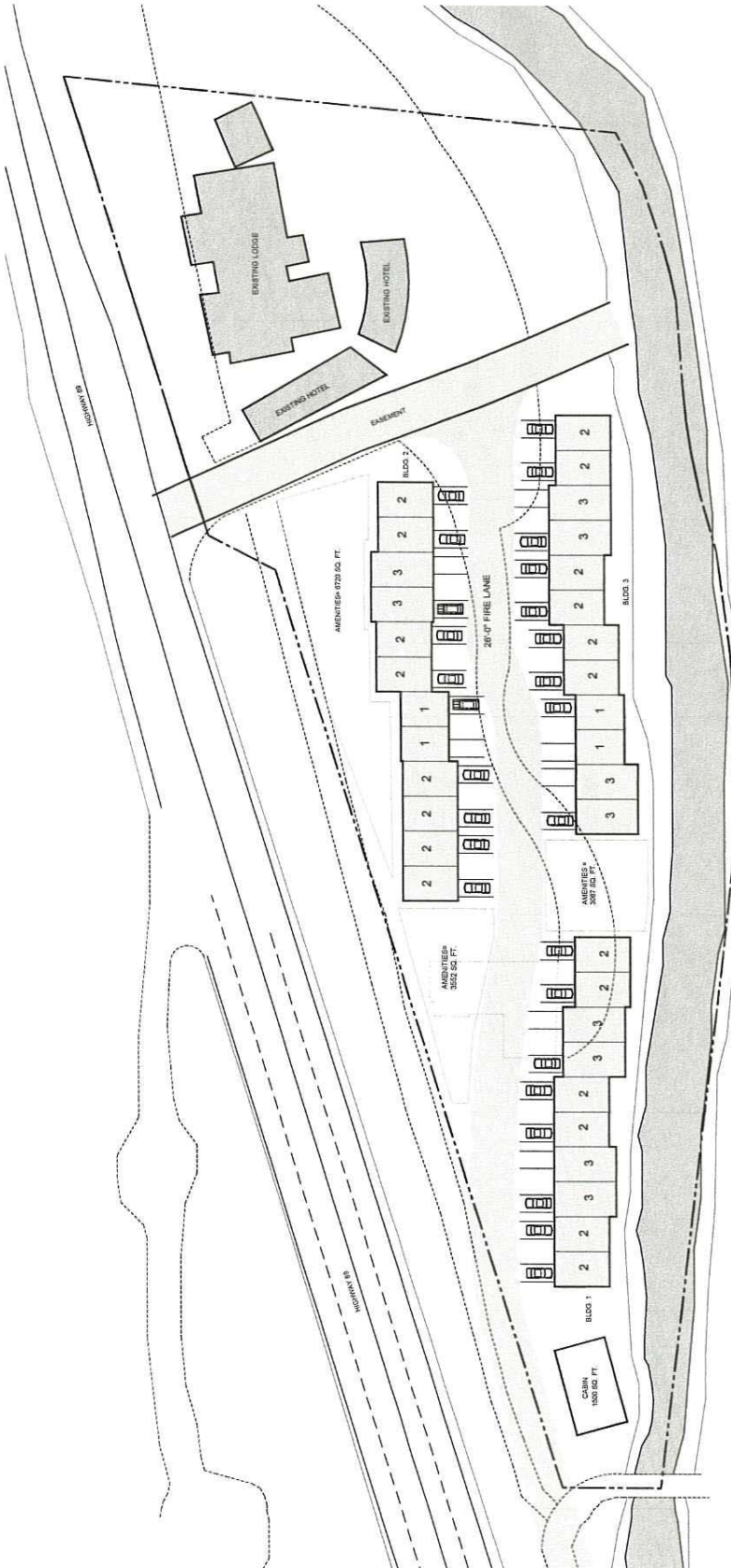
As stated in the first memorandum (Attachment 3) as part of the discussion under Option 1, and in the context of Cache County, this request is for an urban type of development typically found in cities. Cache County is a rural county that does not provide urban type services, and does not have the necessary standards, policies, or supporting infrastructure to begin providing such services. While this request is directed to the Zanaavoo property, it also applies to the 28 other properties currently zoned Commercial, and to any future Commercial rezones of property in the unincorporated county.

An amendment of this type, that significantly increases the potential density of residential development, is best considered during or following the update to the county general plan. It is anticipated that the next general plan update will begin in 2019. This allows adequate county review and public comment prior to a decision by the County Council.

Staff conclusion

Staff has identified and recommends that this request to amend the County Land Use Ordinance be denied based on the following conclusions:

1. Cache County is a rural county that does not provide urban type services, and does not have the necessary standards, policies, or supporting infrastructure to begin providing such services.
2. The amendment as proposed, to allow multi-family housing as a permitted use in the Commercial Zone, significantly increases the potential density of residential development and is best considered during or following the future update to the county general plan, in order to allow sufficient county review and public comment.



BUILDING 1 FOOTPRINT: 871 sq. ft.
OVERALL: 1000 sq. ft.
GARAGE SPACE: 400 sq. ft.
HEATED SPACE: 1000 sq. ft.
TOTAL: 1000 sq. ft.

BUILDING 2 FOOTPRINT: 1000 sq. ft.
OVERALL: 1000 sq. ft.
GARAGE SPACE: 400 sq. ft.
HEATED SPACE: 1000 sq. ft.
TOTAL: 1000 sq. ft.

BUILDING 3 FOOTPRINT: 1000 sq. ft.
OVERALL: 1000 sq. ft.
GARAGE SPACE: 400 sq. ft.
HEATED SPACE: 1000 sq. ft.
TOTAL: 1000 sq. ft.



1 BEDROOM UNITS: 4 UNITS
2 BEDROOM UNITS: 2 UNITS
3 BEDROOM UNITS: 2 UNITS
TOTAL: 8 UNITS

GARAGE STALLS: 14 STALLS
TOTAL STALLS: 14 STALLS

Stephen F. Noel

2225 Washington Blvd., Ste. 200
Ogden, Utah 84401
(801) 476-0303, Office
(801) 476-0399, Facsimile
(800) 200-0401, Toll Free

snoel@smithknowles.com
www.smithknowles.com

February 27, 2018

DAVID L. KNOWLES*

STEPHEN F. NOEL

M. DARIN HAMMOND*

KENYON D. DOVE

PAUL K. BACHMAN*

BURT R. WILLIE

THOMAS W. FARRELL

BLAKE D. JOHNSON

KEN BROWN

MELVEN E. SMITH
Of Counsel

J. Scott Buehler*
Of Counsel

Mara Brown
Of Counsel

Chris Harrild
Cache County Planning Manager
Chris.harrild@cachecounty.org

Re: Zanavoo Property

Dear Chris:

As you know, we have the pleasure of representing John Brandley and his respective entities with respect to the Zanaavoo Property located in Logan Canyon. You and I spoke a few days ago about this property and the hopeful changes to zoning that my client would like to pursue. As a result of that conversation, we agreed to provide you with some specifics regarding what we might propose in order to maximize the use of that property. We understand that you have a meeting coming up and wanted to be able to get this to you before then so it may be considered. If you have any questions or concerns, or would simply like to talk through these options further, I would be very happy to do so.

To begin, the Zanaavoo Property is fairly unique within Cache County. Simply put, its traditional use is no longer viable. Obviously, property owners and county officials come at these issues from differing perspectives. It is no secret that the developer is hopeful to develop the property in such a way as to turn a profit, while the county is more interested in protecting the health and welfare of the county and to promulgate sensible and responsible development of property throughout the county. However, those interests also have a common purpose of maximizing the effective use of property within the county and avoiding property that is unusable or becomes a negative "asset" within the county.

To this end, it is clear to us that the Zanaavoo Property is not viable within its historic use. If we are not able to find a way to allow it to be used in a different manner, the property will remain largely unoccupied and unused, or at best it may be sold as a transient/motel property but will most likely fail and

*Licensed in Multiple
States

go from one failed owner to the next. It is for this purpose that we ask for the county's vision and cooperation in finding a way to allow this current property to be refitted to allow for multi-family use, mainly apartments. These apartments would likely be in high demand and would also likely serve the USU professor community and other professionals. We have noted that currently there is no zone within Cache County that permits multi-family use. In fact, there is only one zone, the Resort Recreational Zone, which allows for multi-family use under a conditional use permit. We also note that there is very little commercially zoned property within the county.

Accordingly, our first proposal would be to permit multi-family use within the currently existing commercial zones in Cache County. We further propose that the density be limited to a Unit Equivalent Density of 15 Equivalent Units per acre regardless of the type of multi-family residential use, as identified and defined in 17.14.080. There are very few commercial zones in Cache County that would be impacted by this change. Furthermore, the Equivalent Unit Density is still somewhat low, thereby minimizing the same impact.

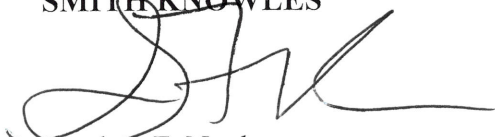
The second option would be to rezone the Zonavoo Property as Resort Recreational, with a clarification that the multi-family use within this zone be permitted instead of conditional. This would be preferred. However, regardless of whether it is conditional or permitted, we believe that this zone will allow for multi-family use such as apartments within the Zonavoo Property. Again, by permitting multi-family use within this zone, we would be limiting it to, again, 15 Equivalent Units with respect to permitted dwellings. This, again, would minimize the impact.

Lastly, a third option is to create a new zone. As I pointed out, Cache County is really without any type of multi-family zone. It permits multi-family as a conditional use under the Resort Recreation Zone only, but the county could do well to have a separate multi-family zone that would allow for such housing within the county. Once this zone is adopted, we would request that the Zonavoo Property be rezoned to this multi-family zone. I have enclosed with this letter a rough draft of certain terms and elements of such a proposed zone.

I very much look forward to discussing these options with you. It is our goal to achieve approval of the planning department such that a favorable recommendation could be made to the county commission. I look forward to hearing from you.

Sincerely,

SMITH KNOWLES



Stephen F. Noel

cc: John Brandley

LOGAN CANYON MULTIPLE-FAMILY RESIDENTIAL ZONE

Purpose and intent.

The purpose of this Zone classification is to provide residential areas that will accommodate the development of certain multi-family dwelling types with their associated necessary public services and activities compatible with and sensitive to the unique qualities and concerns of Logan Canyon. It is also to provide an orderly transition from less intensive, lower density uses to more compatible intensive, higher density uses.

Permitted uses.

The following uses are permitted in the Logan Canyon Multiple-Family Residential Zone:

- (1) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (2) Agriculture.
- (3) Educational institution, including conference, convention and retreat uses.
- (4) Golf course, except miniature golf course.
- (5) Greenhouse for private use only.
- (8) Multi-Family Residential with a Unit Equivalent Density of 20 Equivalent Units per acre, regardless of the type of multi-family residential use, as identified and defined in 17.14.080.
- (6) Home occupations.
- (7) Household pets.
- (8) Parking lot accessory to uses permitted in this zone.
- (9) Public building, public park, recreation grounds and associated buildings.
- (10) Private park, playground, or recreation area, but not including privately owned commercial amusement business.
- (11) Single-family dwelling.
- (12) Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.
- (13) Two-family dwelling.
- (14) Reception and catering facilities.

Conditional uses.

The following uses shall be permitted only when authorized by a conditional use permit as provided in this Land Use Code.

- (1) Bachelor and/or bachelorette dwelling with 25 or more dwelling units.
- (2) Cemetery with customary incidental uses including, but not limited to mortuary, mausoleum, crematory, staff housing, service shops and chapel.
- (3) Day care center.
- (4) Educational/institutional identification signs.
- (5) Multi-Family Residential with a Unit Equivalent Density of greater than 20 Equivalent Units per acre, regardless of the type of multi-family residential use, as identified and defined in 17.14.080.
- (6) Nursing home.
- (7) Planned residential unit development, in accordance with this Land Use Code.

- (8)Public utility substations.
- (9)Water storage reservoir developed by a public agency and meeting requirements of this Land Use Code.
- (10)Church, synagogue or similar permanent building used for regular religious worship.
- (11)Library or museum, public or nonprofit.
- (12)Residential facility for handicapped persons meeting the requirements of this Land Use code.
- (13)Residential facility for elderly persons meeting the requirements of this Land Use code.

MEMORANDUM

20 March 2018

Zanavoo Property – Ordinance amendment discussion

A request to amend the County Land Use Ordinance has been submitted for Planning Commission discussion (Attachment 1). This request is focused on the residential development of the Zanavoo property (3.77 ac.) in Logan Canyon, and provides three proposed options for amendment. The perceived intent of the applicant is to determine which of the three options is most likely to provide a positive result for the property owner.

This request is being pursued as the property owner is seeking to place approximately 34 apartment units on this property (Attachment 2). However, the existing Commercial Zone allows a maximum of 2 units per acre and a 0.5 acre minimum lot size. This would allow a maximum of 7 units on the property.

1300 Multi-Family Dwelling is a use type that is only permitted as a conditional use in the Resort Recreation Zone. This use allows “A building or portion thereof containing two or more dwelling units”. The RR zone accommodates large scale development that includes a minimum area of 2,000 acres, additional requirements such as ski or golf facilities, and at least one residential/commercial core.

The intent of this staff memo is to expand the focus and impacts of the request beyond the specific property in question, and to examine the proposed options in the larger context of the county and Cache County Land Use Ordinance.

The proposed options have been presented in abbreviated form below, followed by staff discussion for each item.

Option 1: Amend the Commercial Zone to allow multi-family housing at a density of 15 units per acre.

Staff discussion – The existing purpose of the Commercial Zone is to,

“To provide compatible locations for retail, office, and business/commerce activities, to enhance employment opportunities, to encourage the efficient use of land, to enhance property values, and to strengthen the county's tax base.”

This request is for an urban type of development typically found in cities. Cache County is a rural county that does not provide urban type services. While this request is directed to the Zanavoo property, it also applies to the 28 other properties currently zoned Commercial, and to any future Commercial rezones of property in the unincorporated county.

The uses that allow dwelling units in the Commercial Zone are conditionally permitted and are limited to a brief stay of less than 30 consecutive days. These uses include: 4100 Recreational Facility, 4300 Transient Lodging, and 4310 Bed and Breakfast Inn.

A unit density of 15 units per acre on the 3.77 acre property would allow a maximum of 56 units, an increase of 47 units or ~670%. If this option were pursued, at a minimum:

- An analysis addressing the impacts of multi-family dwellings in commercial zones must be completed.
- The purpose of the Commercial Zone must be significantly amended as the primary use would be multi-family residential under the proposal with limited to no commercial uses.
- The use related definition 1300 Multi-Family Dwelling must be reviewed and revised to reflect a different application than intended, or a new use related definition must be created.

This density of development is more reflective of downtown Logan rather than the unincorporated county. An amendment of this type that significantly increases the potential density or residential development may be best considered during or following an update to the county general plan. This would allow adequate county review and public comment prior to possible adoption. It is anticipated that the next general plan update will begin in 2019.

Option 2: Rezone the Zanavoo property from the Commercial Zone to the Resort Recreation (RR) Zone and allow housing at a density of 15 units per acre as a permitted rather than a conditional use.

Staff discussion – The RR zone accommodates large scale development that is a minimum area of 2,000 acres, and includes additional requirements such as ski or golf facilities and at least one residential/commercial core. In order to accommodate the Zanavoo property, the purpose of the RR Zone would have to be amended and the entirety of that section of code (17.14 Resort Recreation (RR) Zone) would have to be rewritten, essentially creating a new zone.

If such an option is pursued, it is best considered during or following an update to the county general plan. This would allow adequate county review and public comment prior to possible adoption. It is anticipated that the next general plan update will begin in 2019.

Option 3: Create a new zone – Logan Canyon Multiple-Family Residential Zone.

Staff discussion – As a practice, jurisdictions do not typically craft zoning specific to a single parcel. This has in the past led to complicated to dysfunctional zoning ordinance that don't treat similar properties with similar regulations.

If such an option is pursued, the creation of a new zone is best considered during or following an update to the county general plan. This would allow adequate county review and public comment prior to possible adoption. It is anticipated that the next general plan update will begin in 2019.

Staff conclusion

At this time, and after reviewing the proposed options, staff has not discovered sufficient justification to recommend any of the options and promote the addition of multi-family housing to the County Land Use Ordinance. Staff has identified that the discussion regarding multi-family housing is best served during the future general plan update process.



DEVELOPMENT SERVICES DEPARTMENT

BUILDING | COUNTYWIDE PLANNING | ENGINEERING | GIS | PLANNING & ZONING

APPLICATION: ORDINANCE AMENDMENT

Date Received:	By:	Receipt #:	Amount:	Check #:
4/4/18	[Signature]	11231	450	23050/1003

1. Applications are accepted by appointment only. Call (435) 755-1640 to set an appointment.
2. The items indicated in the attached checklist must accompany this application.
3. Incomplete applications are not accepted.
4. Late applications are held for the next meeting's agenda.
5. The application fee is not refundable.
6. Any information submitted with this application becomes public record and is posted online.

ORDINANCE INFORMATION

Ordinance Section(s): 17.09.030 and 17.10.030Affected Zones: Commercial

AGENT CONTACT INFORMATION

Agent Name: Stephen F. Noel Email: snoel@smithknowles.comPhone: 801-476-0303 Mailing Address: 2225 Washington Blvd., Ste. 200
Ogden, Utah 84401

REVIEW PROCESS

- 1) Staff will review the application with the applicant to ensure that the information submitted is sufficient to completely review the request.
- 2) Complete applications are forwarded to the necessary county departments for review and comment. The application, site visits, and department reviews are used in the preparation of the staff report that is presented to the county land use authority and is available to all interested parties and is posted online at <http://www.cachecounty.org/pz/>.
- 3) Notices are posted in the Herald Journal. Agendas are posted online at www.cachecounty.org and at <http://www.utah.gov/pmn/index.html>.
- 4) Projects requiring County Council approval are placed on the next available council agenda once the Planning Commission has made a recommendation. Staff forwards the staff report, the Planning Commission's recommendation, and any other pertinent information for County Council's review.

ORDINANCE AMENDMENT - APPLICATION CHECKLIST AND ACKNOWLEDGMENT:

A complete application must include the items noted below unless specified otherwise. Further information may be required by staff, other departments and agencies, and/or the authority that reviews the application based on the proposed amendment.

- 1) ☒ A completed application form and *non-refundable* review fees (cash or check):
Fee as determined. *See enclosed checks (\$400.00 and \$50.00)*
- 2) ☒ A copy of the proposed ordinance amendment and any supporting materials.
See attached and incorporated letter dated 4-4-18

ACKNOWLEDGMENT

I, Stephen F. Noel of Smith Knudsen, P.C. the undersigned agent acknowledge that I have read and understand the information and requirements presented in this application, and that the information I have provided is accurate and complete.

Signature

Date

2018 MEETING DATES AND APPLICATION DEADLINES

PLANNING COMMISSION (1 st Thursday of each month*)		COUNTY COUNCIL (2nd & 4th Tuesday*)	BOARD OF ADJUSTMENTS (3 rd Thursday of each month)	
Application Deadline 3:00 PM	MEETING DATE 5:30 PM	MEETING DATE 5:00 PM	Application Deadline 3:00 PM	MEETING DATE 6:00 PM
6 Dec	4 Jan	9 Jan	28 Dec	18 Jan
3 Jan	1 Feb	23 Jan	24 Jan	15 Feb
31 Jan	1 Mar	13 Feb	21 Feb	15 Mar
28 Feb	5 Apr	27 Feb	28 Mar	19 Apr
4 Apr	3 May	13 Mar	25 Apr	17 May
2 May	7 Jun	27 Mar	30 May	21 Jun
6 Jun	12 Jul*	10 Apr	27 Jun	19 July
5 Jul*	2 Aug	24 Apr	25 Jul	16 Aug
1 Aug	6 Sep	8 May	29 Aug	20 Sep
5 Sep	4 Oct	22 May	26 Sep	18 Oct
3 Oct	1 Nov	12 Jun	24 Oct	15 Nov
31 Oct	6 Dec	26 Jun	28 Nov	20 Dec
		10 Jul		
		31 Jul*		
		14 Aug		
		28 Aug		
		11 Sep		
		25 Sep		
		9 Oct		
		23 Oct		
		13 Nov		
		27 Nov		
		4 Dec*		
		11 Dec*		

Stephen F. Noel

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April 4, 2018

Chris Harrild
Cache County Planning Manager
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M. DARIN HAMMOND*

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BURT R. WILLIE

THOMAS W. FARRELL

BLAKE D. JOHNSON

KEN BROWN

MELYEN E. SMITH
Of Counsel

J. Scott Buehler*
Of Counsel

Mara Brown
Of Counsel

Re: Zonavoo Property
Application for Code Amendment¹

Dear Chris:

Thank you for your response to our earlier inquiry presenting three alternatives for the zoning and use of the Zonavoo Property. On behalf of John Brandley and USU Independence, LLC, the interested/titled parties in and to the Zonavoo Property (the "Property"), we are submitting a formal application for the amendment of certain Cache County ordinances in order to maximize the better use of the Property. The detail follows below, but the general request to allow for a limited, but marketable, allowance for multi-family use at the Property, which currently is zoned as Commercial.

The traditional or "transient" use of the Property is no longer viable, and hasn't been for many years. As a result, the Property regularly changes ownership, with its use being sporadic, limited and patched together. Maintenance has become an issue. It's one of the first developments people see as they enter Cache County to the east, or the last thing they see as they leave Cache County to the west. Our goal is to make the Property viable, vibrant, usable and beneficial. To do this, it must be profitable and have a place in the market.

Currently, commercially zoned properties within the county do allow for two dwelling units per acre. While this is lower than what we propose, living or dwelling units in a commercial zone are currently allowed. Also, a larger number of "beds" or living quarters are allowed in commercial zones. In fact, I believe 15 beds per acre are allowed. Admittedly, these are "transient" beds, or hotel, motel, bed and breakfast, etc. However, even so, patrons are allowed

*Licensed in Multiple
States

¹ The fee of \$450.00 and the Application are attached and incorporated herein by this reference.

to stay up to 30 consecutive days at a time. Accordingly, the effective and meaningful distinction between a 30 day occupant and a more permanent occupant, is negligible.

After reading your memorandum, it occurred to me that I was not very artful in presenting our proposed unit limitation. We are not proposing that up to 56 units be allowed. Rather, we are proposing that a maximum of 15 units be imposed, regardless of their size. For example, whether it is a 500 square foot dwelling, or a 2,000 square foot dwelling, we propose that only 15 be allowed. This would cap the number of dwellings at around the same as that for transient properties.

To this end, it is clear to us that the Zanavoo Property is not viable within its historic use. If we are not able to find a way to allow it to be used in a different manner, the property will remain largely unoccupied and unused, or at best it may be sold as a transient/motel property but will most likely fail and go from one failed owner to the next. It is for this purpose that we ask for the county's vision and cooperation in finding a way to allow this current property to be refitted to allow for multi-family use, mainly apartments. These apartments would likely be in high demand and would also likely serve the USU professor community and other professionals. We have noted that currently there is no zone within Cache County that permits multi-family use. In fact, there is only one zone, the Resort Recreational Zone, which allows for multi-family use under a conditional use permit.

Accordingly, we propose to amend the following ordinances as set forth below:

17.09.030 (1300) to replace the "N" with a "P" under the "C" column.

17.10.030 should be amended to include a paragraph "D" to read as follows: *Multi-Family Dwellings, 1300, shall be a permitted use within Commercial Zones at a density limited at 15 total Dwelling Units per acre regardless of the size of each Dwelling Unit, with the size of each Dwelling Unit not to exceed 2,000 square feet, and shall be subject to all applicable commercial development standards pursuant to Chapter 17.10.*


These changes will allow the Zanvoo Property to thrive and to be relevant again. This would not convert the purpose of Commercial Zones to multi-family use. Rather, multi-family use would be only one among many uses, and it will be severely limited in the number of units allowed. Some commercial uses already allow people to sleep, eat, shower, park a car, accept guests, etc. in a living unit and at much the same "density," except for periods less than 30 days. As I am sure you know, the knock against multi-family housing has now largely been debunked, and, in fact, multi-family housing has proven to have a positive impact on communities. The county does not lose all control over the housing and may still regulate it, but it should be permitted. It's sorely needed. Allowing this change will not turn Cache County into downtown Logan. Rather, it will allow people to actually live in the county, which, at this point, is all but impossible, unless one intends to go skiing or to visit a bed and breakfast, but only if one stays less than 30 days.

Page 3
April 4, 2018

These changes are needed. They are minimal. They will allow the Zonavoo Property to become something beneficial to the community and, I believe, something the county will be commended for allowing.

Sincerely,

SMITH KNOWLES



Stephen F. Noel

cc: John Brandley

STAFF REPORT: JENKINS REZONE

4 June 2018

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: None

Type of Action: Legislative

Land Use Authority: Cache County Council

LOCATION
Reviewed by Angie Zetterquist
Project Address:

5707 North 800 West
Smithfield

Acres: 10.99

Current Zoning:

Agricultural (A10)

Proposed Zoning:

Rural 5 (RU5)

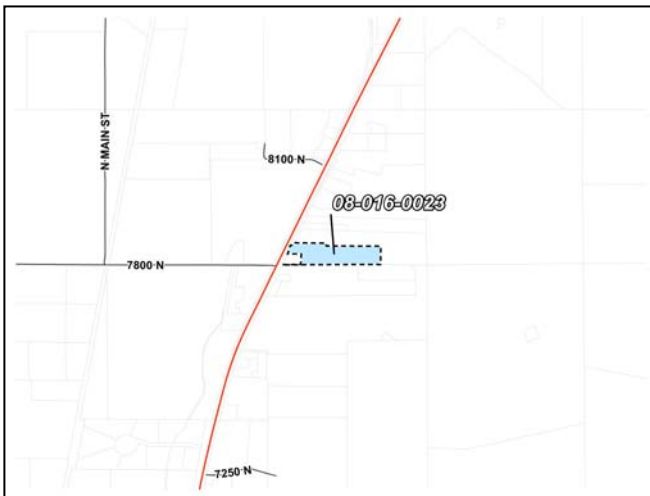
Surrounding Uses:

North – Agricultural/ Residential

South – Agricultural/ Residential

East – Agricultural/ Residential

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 Rural 5 (RU5) Zone.
2. This rezone may allow the parcel to be legally divided into a maximum of two (2) separate lots as part of a subdivision process.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached maps (Attachments A & B) 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. In 2017, the applicant submitted an application for a rezone request to change the zoning to an Industrial (I) Zone. That request was denied by County Council on January 23, 2018.
- ii.** Density: Within a mile of the proposed rezone, the average size of unincorporated county parcels (52 parcels) with a dwelling is 9.1 acres; the average size of parcels (101 parcels) without a dwelling is 25.2 acres (Attachment A).

The proposed RU5 zone allows a maximum density of 1 lot for every 5 acres, whereas the current A10 zone allows a maximum density of 1 lot for every 10 acres. At 10.99 acres, the subject parcel cannot be divided into any additional lots under the current A10 Zone; a rezone to RU5 would allow a maximum of 2 buildable lots.
- iii.** Schedule of Zoning Uses: Under the current County Land Use Ordinance, the RU5 Zone is more restrictive in the uses allowed when compared to the Agricultural (A10) Zone. There are no uses that are allowed as a permitted or conditional use within the RU5 Zone that are not allowed as a permitted or conditional use within the A10 Zone. The following uses are conditional uses in the A10 Zone but are not allowed in the RU5 Zone:

 - Agricultural Manufacturing
 - Recreational Facility
 - Cemetery
 - Private Airport
 - Concentrated Animal Feed Operation
 - Livestock Auction Facility
 - Topsoil Extraction
- iv.** Adjacent uses: The properties adjacent to the subject property are primarily used for agricultural and single family dwellings.
- v.** Zone Placement: As identified by the Planning Commission and the County Council at the time the RU5 Zone was adopted, the intended/anticipated placement of this zone was in areas of the unincorporated county adjacent to municipalities. The properties within a one-mile buffer of the subject site are zoned primarily Agricultural (A10) with a couple overlay zones present (Attachment B). The subject property lies midway between Richmond City to the north and Smithfield City to the south along US Hwy 91. The southern boundary of Richmond City is approximately 2.12 miles to the north of the subject property via the highway and the northern boundary of Smithfield is approximately 1.45 miles south of the property.

The nearest RU5 zone (parcels 08-019-0007) is located approximately 5.04 miles away by the most direct road route in Smithfield Canyon. Including this property, there are only 3 properties zoned RU5 in all of unincorporated County, none of which have been divided further after being rezoned to RU5. The Smithfield Canyon Estates Rezone (08-019-0007) was approved by Council in 2013 (Ordinance No. 2013-07) on 40 acres of property with a maximum potential of 5 lots due to presence

of steep slopes that removed some development potential. As stated above, the property has not been subdivided since the rezone approval.

There is a RU2 zone (parcels 08-206-0001, -0002, -0003, -0004) approximately 2.5 miles away from the subject property by means of the most direct road route near the northern boundary of Smithfield City. This RU2 rezone (“Hansen Rezone”) was approved by the County Council in July 2016 and a subsequent 4-lot subdivision (i.e., Hansen 400 West Subdivision) was approved in November 2016.

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 Rural 5 (RU5) Zone but does contain possible guidelines for its implementation. County Land Use Ordinance §17.08.030 [B] [1] identifies the purpose of the RU5 Zone and includes the following:
 - a. “To allow for residential development in a low density pattern that can allow for rural subdivisions and smaller scale agricultural uses. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.
 - b. To implement the policies of the Cache Countywide Comprehensive Plan, including those regarding agricultural promotion, prime farmlands, improved roadways, density based residential standards, clustering, moderate income housing and municipality standards.
 - c. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.”
6. Consideration of impacts related to uses allowed within the RU5 Zone will be addressed as part of each respective approval process required prior to site development activities.

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

7. The 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.
8. §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
9. The Road Manual specifies the following:
 - a. Private Road: Allowed for a maximum of 30 average daily trips (ADT), which is equivalent to 3 houses with a minimum 20-foot wide gravel surface.
10. A basic analysis of private road (7800 North) is as follows:
 - a. 7800 North provides access to two existing single-family residences and adjacent agricultural properties.
 - b. It has a 12-foot wide paved surface with 4-foot gravel shoulders on both sides of the road.

11. 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 requires UDOT approval. If the rezone is approved, the applicant must meet with UDOT to obtain approval of the access for a future subdivision.

D. Service Provisions:

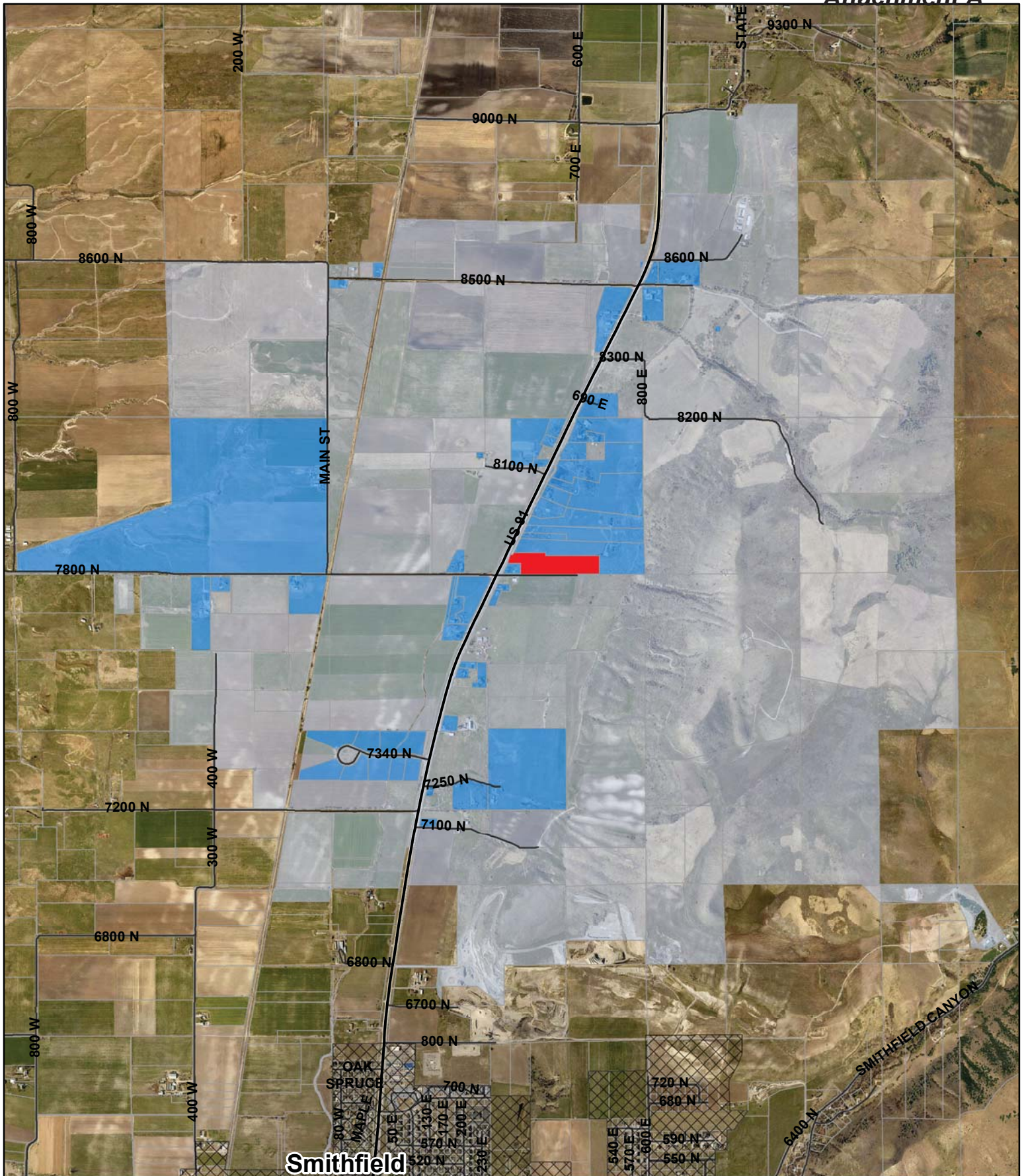
- 12.** §16.04.080 [C] Fire Control – The County Fire District evaluated the access road to the subdivision and determined that the access road meets fire code, but future access to the individual properties must be reevaluated and may require improvements based on the location of any proposed structure on the respective lots. Water supply for fire suppression is provided by the Smithfield Fire Department.
- 13.** §16.04.080 [F] Solid Waste Disposal – Logan City Environmental currently provides service in this area. Residential carts must be placed on Hwy 91 for Friday morning collection. Sufficient shoulder space must be provided along the side of the highway for all refuse and recycle containers. The containers must be placed 3-to-4 feet apart and be far enough off the road so they do not interfere with passing traffic.
- 14.** §16.04.080 [D] School Bus Service – School bus service is provided through a stop at 7860 North Hwy 91.

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

- 15.** Public notice was posted online to the Utah Public Notice Website on 30 May 2018.
- 16.** Notice was published in the Herald Journal on 3 June 2018.
- 17.** Notices were posted in three public places on 30 May 2018.
- 18.** Notices were mailed to all property owners within 300 feet on 31 May 2018.
- 19.** At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONCLUSION

The Jenkins Rezone, a request to rezone 10.99 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. Staff has not made a recommendation on this request and can assist the Planning Commission in drafting a recommendation based on the findings of fact identified above and any others identified at the public hearing.



Legend

- Parcels
- Proposed Rezone
- Parcels with Dwellings
- Parcels in 1 Mile Buffer

0 0.25 0.5 1 Miles

Average Parcel Size Without a Home: 25.2 Acres (101 Parcels)
Average Parcel Size With a Home: 9.1 Acres (52 Parcels)



May 2018

0 1,150 2,300 4,600 Feet

STAFF REPORT: WEST CANYON RANCH CABIN CUP

14 June 2018

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: Jason Summers

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

Parcel ID#: 16-039-0001, 16-041-0001,
16-044-0001, 16-042-0001, 16-043-0001,
16-045-0001, 10-005-0001

PROJECT LOCATION

Reviewed by Angie Zetterquist

Project Address:

~1500 W. West Canyon Road

Avon

Current Zoning:

Acres: 3,372

Agricultural (A10)/Forest Recreation (FR40)

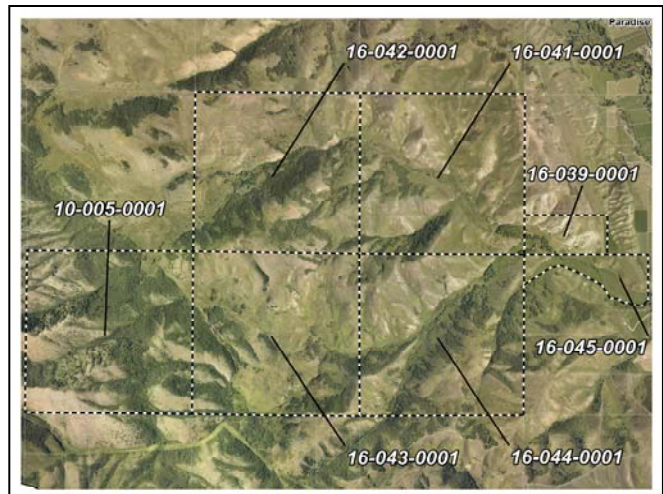
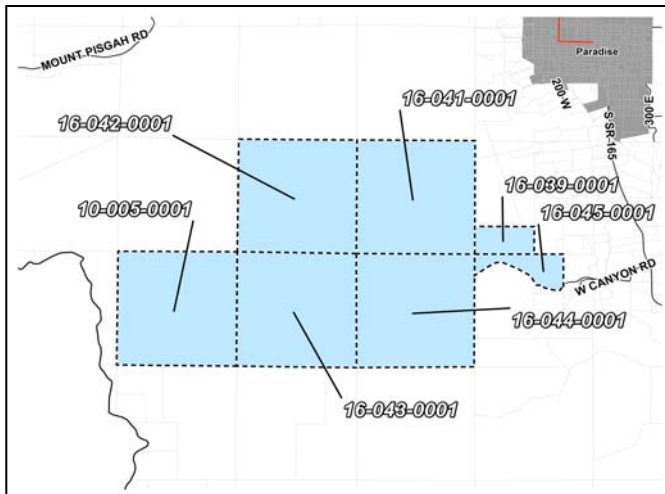
Surrounding Uses:

North – Agricultural

South – Agricultural

East – Agricultural/Residential

West – Agricultural



FINDINGS OF FACT (32)

A. Request description

1. The West Canyon Ranch Cabin Conditional Use Permit (CUP) is a request to operate a recreational facility, Use Type 4100, on seven (7) properties totaling 3,372 acres. The proposed use is recreational facility that will provide clients with overnight accommodations in a maximum of four cabins for private sport hunting excursions. The overnight accommodations will be located on parcel 16-041-0001 with an approximate address of 1500 West Canyon Road, Avon. The recreational facility will operate in conjunction with an agricultural production use, Use Type 6100, that includes a domesticated elk farm. The properties are zoned Agricultural (A10) and Forest Recreation (FR40).
2. The applicant indicated in his application materials that there was a similar sport hunting facility operating on the property by the previous owner, Don Petersen, but based on a review

of the County's historical data, there have been no previous CUPs, zoning clearances for structures or businesses, or permits issued on the subject property.

3. Per the Letter of Intent (Attachment A), the applicant is proposing to establish sport hunting recreational facility with up to four cabins for overnight accommodations. *See condition #1 & #2*

a. Construction

- i. There is an existing one-bedroom, 600-square-foot cabin on parcel 16-041-0001 that the applicant indicates was built in the 1960s. The applicant considers the existing cabin to be outdated and has indicated that it may be remodeled and used as part of the recreational facility as one of the four cabins.
- ii. The applicant plans to construct a new two-bedroom, 2,000-square-foot cabin in 2018 to accommodate clients.
- iii. Future phases of construction are tentatively scheduled for 2019 and 2020, when two one-bedroom, 1,200-square-foot cabins would be constructed for the sport hunting facility. The existing cabin and the three proposed new cabins would generally be located in the south east corner of the subject property (Attachment B). The applicant states there are RVs and other temporary structures on the property from the previous owner. These temporary structures and RVs must be removed. *See condition #3*
- iv. The existing cabin gains access from a long, private access drive that connects to 10700 South/West Canyon Road, a county road. The private access drive extends northwest through multiple private properties to parcel 16-041-0001 where the cabins will be located. *See condition #4*
- v. A parking lot for staff, client, and emergency vehicles is proposed for 12 vehicles near the site of the proposed cabins.
- vi. No business signage is being proposed for the proposed recreational facility. The state requirements for the elk farm, elk hunting park, and commercial hunting area (CHA) for game birds, require signage in intervals along the perimeter fence to identify the area as a private elk ranch/hunting area.

b. Operation

- i. The applicant has created a promotional website for the sport hunting recreational facility in anticipation of the permit approval: www.westcanyonranch.com. The website contains information describing the operation of the sport hunting facility as a premier hunting ranch with unrivaled privacy and luxury.
- ii. The recreational facility will provide private sport hunting experiences with overnight accommodations on 3,000+ acres of the facility.
- iii. The applicant has a current license from the Utah Department of Agriculture and Food as an Elk Hunting Park (#UT0001H) valid from April 20, 2017 – June 30, 2018 (Attachment C), but has indicated to staff that the recreational facility with overnight accommodations that is the subject of this request has not been operating, only the elk farm, which is considered agricultural and is a permitted use in both the A10 and FR40 Zones.
- iv. According to the Utah Department of Agriculture, the license the applicant has for an Elk Hunting Park also allows for the operation of the domesticated elk farm; a separate permit is not required. As described by Leslie McFarland, who oversees the elk program for the Department of Agriculture, there are two pens on the facility for the animals and each pen is surrounded with a 8-foot high perimeter fence to contain the domesticated elk. During the summer the elk are released into the larger area for the hunting season which begins August 1 and the elk are required to be returned to the

lower pen/farm area of the property by December 31. In addition to domesticated elk, other animals including bison and game birds will be available on site for private hunting experiences.

- v. In addition to the license for the Elk Hunting Park, the applicant has applied for two Utah Commercial Hunting Areas for game birds to be brought onsite for hunting. These commercial hunting areas are overseen by the Division of Wildlife Resources.
- vi. The applicant anticipates guest capacity to be one to four clients per week, with day trips available as well as overnight options; the typical length of stays for guests is 3-5 days.
- vii. The applicant anticipates one-to three seasonal employees for the hunting operation; there will not be any employees residing on the property.
- viii. Hours of operation will vary, but the applicant anticipates hunting sessions to occur mainly in the early morning or later in the evening. The facility will be available for use 7 days a week. *See condition #5*

B. Parcel Legality

- 4. The subject properties are all legal parcels, as follows:
 - a. 16-039-0001: 1970 parcel;
 - b. 16-041-0001: Currently occupies the entire Section 5 of Township 9 North, Range 1 East and is in the same configuration as the 1970 plat. The 1978 plat shows a division into two separate parcels, but the parcels were recombined in 1985.
 - c. 16-042-0001: 1970 parcel;
 - d. 16-043-0001: 1970 parcel;
 - e. 16-044-0001: 1970 parcel;
 - f. 16-045-0001: Agricultural Remainder 1 of the Paravon West Subdivision; *See condition #6*
 - g. 10-005-0001: 1970 parcel.
- 5. As mentioned above, based on a review of the County's historical data, there have been no previous CUPs, zoning clearances for structures or businesses, or permits issued on the subject property.

C. Conditional Uses *See conclusion #1*

- 6. §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.

D. Compliance with law *See conclusion #1*

- 7. 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.
- 8. §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*
- 9. All parcels included in the subject request are legal parcels zoned Agricultural (A10) or Forest Recreation (FR40).

10. §17.07.030, Use Related Definitions defines this use as
- a. “4100 Recreational Facility: a place, either indoor or outdoor, designed and equipped for the conduct of sports and leisure time activities that are operated as a business and/or open to the general public. These facilities are typically operated for a period of greater than 30 days per year and may also include incidental transient lodging accommodation for up to 15 rooms.” This use also includes the following specific uses: ski facility, golf course, and campground.
11. §17.09.030, Schedule of Uses by Zoning District, permits this use as a CUP in the Agricultural (A10) Zone and Forest Recreation (FR40) Zone only if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses as noted.

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

12. The County Land Use Ordinance stipulates that:
- a. Proposed CUP’s 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.
13. The primary activity of the proposed recreational facility is sport hunting with overnight accommodations. These activities will occur over 7 contiguous properties that comprise over 3,000 acres. The license issued by the Utah Department of Agriculture for an Elk Hunting Park requires that the hunting and farming area to be surrounded by an 8-foot high perimeter fence constructed with high-tensile steel with signage posted in regular intervals identifying the private nature and use of the property. The perimeter fence and signage also prevents animals the sport hunters from crossing onto adjacent private properties.
14. Given the nature of the recreational facility and use of weapons, the ability of emergency services to locate and access the site is paramount. The applicant must record the address of the facility with the Recorder’s Office, which provides address information to emergency services, to ensure prompt response in case of emergency. *See condition #7*
15. With the requirements of the state license and registering the address for emergency response, the recreational facility that the applicant is proposing will not cause unreasonable risks to the safety of persons or property and it will not unreasonably interfere with the lawful use of surrounding properties.

F. Adequate service provision *See conclusion #1*

16. 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.
17. Access: The subject property will gain access from a private access road that extends from the terminus of 10700 South/West Canyon Road, a county road.
- a. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
 - b. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
 - c. §16.04.080 [E] Roads and Access – A basic road review is required and must consider:

- i. The layout of proposed roads;
 - ii. An analysis of existing roadway compliance with the Road Manual requirements;
 - iii. Existing maintenance;
 - iv. And any additional impacts to the proposed development access roads.
- d. The Road Manual specifies the following:
 - i. §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.
 - ii. 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.
 - iii. §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.
 - iv. 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.
 - v. §2.4-A-4-b: The review of requests for development on existing roadways must occur through the Design Exception process.
 - vi. §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.
- 18. A basic review of the access to the existing lots identifies the following:
 - a. The proposed recreational facility gains access from the county's West Canyon Road (10700 South) and a private access drive.
 - b. West Canyon Road (10700 South):
 - i. Is an existing county facility that provides access to the general public.
 - ii. Currently provides access to more than four dwellings, vacant lots, and agricultural parcels.
 - iii. Consists of a varied chip and seal surface (Attachment C) with a 15' width with no shoulders over a bridge at the narrowest point, and a 20' width with 2' wide gravel shoulders at the widest point.
 - iv. Has an unknown depth and type of material under the chip seal surface.
 - v. The road does not meet the standards in the Road Manual.
 - vi. Has a dedicated county right-of-way that varies in width in one area and is a road by use in most instances.
 - vii. Is maintained year round.
 - viii. The proposed use will likely result in increased Average Daily Traffic on the substandard road. ***See condition #8***
 - c. Private access road:
 - i. The private access road providing access from West Canyon Road to the recreational facility must meet any applicable requirements of the County Fire District and the Road Manual prior to the recordation of the CUP. ***See condition #9***

- ii. The County provides year round maintenance on West Canyon Road, but will not provide maintenance for the private access road.
- 19. The required Parking Analysis (see #20 below) will provide a basis for the average daily trips (ADT) for the proposed use. Although the applicant states in his Letter of Intent that the proposed use will not impact the existing road, the actual requirements for any required road improvements must be based on the ADT. **See condition #8, #9, & 10**
- 20. Parking:
 - a. §17.22 Off Street Parking Standards – All uses included under Use Index 4000, Cultural, Entertainment, Recreation 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 and include evidence of licensure from the State of Utah for the licensed professional who prepares the document. **See condition #10**
- 21. Refuse:
 - a. Logan City Environmental does not provide front-load dumpster service in this area, but service for residential carts can be provided at the turn around near 30 West Canyon Road. The turnaround needs to be maintained for all weather access.
 - b. The applicant stated in the Letter of Intent that a 3-yard dumpster may be used during seasons of higher demand, but the applicant will need to coordinate with Logan City Environmental to add more residential carts instead as front-load dumpster service is not provided in this area, as stated above. **See condition #11**
- 22. Fire: §16.04.080 [C] Fire Control – The County Fire District has reviewed the proposed plans and visited the site. The private road access will need to be improved to an all-weather service that meets Fire Code standards. The applicant must submit road plans to and obtain Fire Department approval for improvements to the private access road. **See condition #9**
- 23. Water: Recreational facilities do not require confirmation of domestic culinary water rights.
- 24. Septic: The applicant provided a copy of the septic permit, dated March 27, 2018, to be located on parcel #16-041-0001 for the seasonal cabin use.

G. Impacts and mitigation *See conclusion #1*

- 25. 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.”
- 26. 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.
- 27. Known or reasonably anticipated detrimental effects of the use are as follows:
 - a. Traffic: The recreational facility is expected to generate additional average daily trips (ADTs) that may impact levels of service on the existing substandard road. **See condition #10**
 - b. Emergency Response: The substandard private access road will delay and possibly prevent adequate and efficient emergency response in case of emergencies which may be more common with the proposed use. **See condition #12**

- c. Sensitive Areas: GIS data indicates that the subject property has areas of steep and moderate slopes, floodplain, and geologic hazards. Any development proposed in sensitive areas must comply with additional standards and/or further analysis. *See condition #13*

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

28. Public notice was posted online to the Utah Public Notice Website on 30 May 2018.
29. Notice was published in the Herald Journal on 3 June 2018.
30. Notices were posted in three public places on 30 May 2018.
31. Notices were mailed to all property owners within 300 feet of the subject property on 31 May 2018.
32. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

CONDITIONS (13)

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

1. 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. *See A-3*
2. At such time as the CUP is abandoned and or ceases operation, the subject property shall be restored to the existing County Code. Currently, the County Code permits only one seasonal dwelling unit per lot. To comply with this condition under the current standards, all but one cabin must be removed or a subdivision must be approved to comply with the one unit per lot requirement. *See A-3*
3. When submitting Zoning Clearances for the proposed cabins, the applicant must show all RVs and temporary structures located on the property and must remove them prior to the Certificate of Occupancy being issued for the cabin(s). *See A-3-a-iii*
4. Prior to recordation, the applicant must provide Development Services staff documentation of recorded private easements that allows access from the county road to the subject property. *See A-3-a-iv*
5. Dates, times, and duration of hunting sessions must comply with State of Utah requirements. *See A-3-b-viii*
6. Parcel #16-045-0001 is designated as an Agricultural Remainder in the Paravon West Subdivision, is restricted, and can be used only for agricultural purposes. *See B-4-f*
7. Prior to recordation, the applicant must record the address of the recreational facility's cabin(s) with the Recorder's Office to ensure response by emergency services. *See E-14, G-27-b*
8. Prior to recordation, any required road improvements to the county road, West Canyon Road/10700 South, must be completed. The required Parking Analysis will inform what, if any, improvements to the county road may be necessary depending on the impact of the recreational facility on ADTs on the county road. 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 as well as the Cache County Fire Department for emergency access. 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 F-18-b-viii, F-19*
9. Prior to recordation, the applicant must improve the private road access off of 10700 South/West Canyon Road to meet the minimum county requirements per the Road Manual for the Local Road standard based on the ADT findings of the Parking Analysis. 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 as well as the Cache County Fire Department for emergency access. 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. ***F-19, F-22, G-27-b***

- 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 any necessary road improvements to West Canyon Road/10700 South, the road type required for the private access road based on the ADT, and the number of parking spaces needed for the facility. Evidence of professional licensure in the State of Utah must also be provided by the person preparing the analysis. ***See F-19, F-20, G-27-a***
- 11.** Prior to recordation, the applicant must consult with Logan Environmental Services about refuse collection. ***See F-21***
- 12.** Prior to recordation, the applicant shall provide confirmation from the Bear River Health Department that the existing septic system is sufficient for the proposed use. ***See F-20***
- 13.** Any development proposed within sensitive areas may have to comply with additional standards and/or further analysis. ***See G-27-c***

CONCLUSIONS (2)

Based on the findings of fact and conditions noted herein, West Canyon Ranch Cabin 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, G***
- 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 D-8***

Condition Use Permit Application – Cache County

Applicant:

West Canyon Ranch Land, LLC
502 East 11000 South
Avon, UT 84328
Tel: 435-753-6533

Letter of Intent:

Introduction:

West Canyon Ranch is applying for a conditional use permit from Cache County to construct a 2,000 square foot, two-bedroom cabin on parcel 16-041-0001. After consultation with the county planner, it was suggested to apply for the 'Recreational Facility' as defined in section number 4100 of 17.07.030 of the county code. The proposed cabin will be used in connection with an agricultural ranching business. West Canyon feels the current and proposed operations of the ranch on the property are in accordance to the current zoning and land use as defined by the county, which is agricultural related and meet the description defined by county in section 6100 'Agricultural Production' under 17.07.030. We understand there are some questions around the business model and operations and we want to work with the county to resolve any concerns and move forward with this project.

1A: About West Canyon Ranch

West Canyon Ranch is located at the southern end of Cache Valley, near Avon Utah. West Canyon acquired the ranch from Don Petersen in 2017. Mr. Peterson and his family ran the ranch for nearly a hundred years and were involved in sheep and later the cattle business. In 2007 Mr. Peterson made a major investment in the ranch and changed part of his ranching business model by moving into the domestic elk ranching. In 1997 the State legislature authorized and created the domestic elk program; (<http://www.ag.utah.gov/animal/elk-farms-hunting-parks.html>) this program is administered and under the direction of the Utah department of Agricultural. Mr. Peterson took this opportunity to diversify his ranch and business model and as required by the program made the necessary modifications at his own expense to meet the program requirements. Some of these modifications included a high tensile 8-foot perimeter fence around an approximate 2,800 acres of the ranch an approximate cost of \$500,000 in 2007. Under the domestic elk program Mr. Peterson was able to raise and produce domestic elk in addition to cattle and bison. Domestic elk were raised and sold for commercial purposes, including, meat production, breeding stock, and individual harvesting/sport hunting, where animals were harvested by individuals for personal use.

This type of agricultural business is becoming common across the county. In Utah there are approximately thirty-five active domestic elk ranch operations. Consumer trends and demands are changing. Consumers including the new millennials are demanding all natural and other types of lean protein and exotic meats like domestic elk, bison and grass feed beef. Domestic elk meat is now more expensive per pound than commodity beef, pork or chicken. In addition to the harvest/hunting portion of the business, West Canyon Ranch will also focus on domestic elk production for meat, including direct marketing of elk protein to wholesale distributors, chefs and restaurants. The current owners of West Canyon Ranch are already

involved in a wholesale meat distribution business (www.primeinternational.com) and West Canyon Ranch is an opportunity to vertically integrate part of their supply chain and expand their business. West Canyon's business model which is still in development and has several parts, but will include the protein business to clients like Sierra Meat & Seafood (www.sierrameat.com) and the harvest/hunting portion or individual clients. West Canyon has been working on promotional material, including brochures and our own inhouse created website (www.westcanyonranch.com). Our business models are based on a limited number of clients and guests with a focus on a privacy, exclusivity and the overall experience.

West Canyon Ranch wants to continue and improve operations by also adding a CHA (Commercial Hunting Area (<https://wildlife.utah.gov/r657-22-commercial-hunting-areas.html>) for upland birds. This program is administered by state of Utah department of wildlife and requires domestic upland birds to be released for harvest/hunting by individuals for personal use. Currently there are two other CHA operating in Cache County including Sportsman's Paradise in Paradise and Muddy Road outfitters in Benson. The CHA program requires additional upland birds be released for conservation purposes. West Canyon Ranch is applying for this program for 2018-2019 season, please see attached applications.*

Under these programs and business models, West Canyon ranch can diversify and adapt their ranching operations to remain competitive and economically variable in and ever changing global agricultural industry.

Purpose of the cabin building:

West Canyon Ranch is proposing to build a two bedroom (2,000 square foot cabin). The cabin will be located on parcel 16-041-0001 near and existing old cabin located on the same parcel. The approximate address of the new proposed cabin is 1500 W West Canyon Road. Further clarification from the county GIS is needed to determine the exact address. The new cabin will be located approximately 1,000 feet to the south of the current old cabin. The new proposed cabin will be used to assist and help operate the ranching operations described above. The new proposed cabin will used to accommodate guests and clients who may interested in observing, inspecting livestock, purchasing and individuals interested in harvesting/hunting domestic elk and domestic upland birds.

The properties of this ranch were acquired from Petersen along with one additional parcel (16-045-0001) from the adjacent property owners, Forsberg, in 2017. The entire ranch encompasses just under 3,400 acres, covering parcels (16-039-0001, 16-041-0001, 16-044-0001, 16-042-0001, 16-043-0001, -10-005-0001 & 16-045-0001).

The ranching, harvesting/hunting business to be conducted by West Canyon Ranch is continuation of the business conducted by Petersen on the property. The old log Cabin on parcel 16-041-0001 was built in the 1960s according to the previous owner (600 square feet). The old cabin is outdated and will not meet the facility expectations of our new clients. Plans for the old cabin are to be determined, but it needs major repairs to the roof, exterior walls and windows. Repair costs, remodeling options are still under consideration, but at this time we feel the best option is to build a new cabin. The new cabin will replace RVs and other temporary structures used by the previous owner to accommodate guests. The new proposed two-bedroom cabin will be used during the spring and fall seasons. Guest capacity is estimated at one to four guests per week, with day trips, overnight trips and short-term trips (one to three nights average) all as options for our guests.

The existing private road and county road accessing the proposed cabin will be the same road used by Petersen and his employees & clients. We do not foresee use appreciatively increasing the traffic over the road compared to the traffic occasioned by Petersen's use of the road. We expect light travel, approximately one to five vehicles per day during guest visits. Use of the road will have little, if any, impact on existing traffic on the road. The light and seasonal use of the road and the limited number of clients do not justify the cost of making any significant improvements to either the private or county portions of the road. The existing road will provide fully adequate access to the proposed facilities. The general public will not be allowed to use the private portion of the road. The private portion of the road will not require any government maintenance. The private portion of the road will be improved to meet County fire and emergency standards and the cabin location and address will be registered with Cache County emergency services.

The cabin 2,000 square foot, two-bedroom cabin will be constructed of logs from Yellowstone Log Home company in Rigby, Idaho, the cabin will be designed and engineered to meet or exceed current Cache county building codes. Building permits will be obtained and approved by Cache County.

Phase one of the construction includes one 2,000 square foot two-bedroom cabin to be built on concrete foundation with crawl space and no basement. Hard surface gravel parking lot and parking area will also be constructed. Future phases for 2019 and 2020, will be determine as business success and need may require. Possible options in the future may include two additional one bedroom 1,200 square foot cabins and parking areas. This new cabin and the proposed two future smaller one-bedroom cabins will replace RVs and other temporary structures used by previous owner in the past to accommodate guests.

1B: We will have one to three seasonal employees. Employees will not be living at the cabin.

1C: Hours and days of operation will fluctuate according to guest schedules and with limited capacity for guests during spring and fall season, operations could be any day Monday through Sunday and times will vary, as often the best times to visit are early in the morning and later in the evening.

1D: Traffic is estimated an only one to five vehicles per day, including guests and staff as guest capacity is limited. A parking lot will be constructed to accommodate up to twelve vehicles to include parking for staff and emergency vehicles. There will be no deliveries sent or received via UPS mail, courier service, or semi-truck. There will be adequate private road access and turn around capabilities for fire and emergency vehicles.

1E: Signage – there is no proposed signage

1F: The building will not have any large equipment needs.

1G: Garbage and waste will be collected on site and deposited in regular county garbage cans located at 300 W. West Canyon Road, which is the end of the county road and on property currently owned by owners. If required, we will add a three-yard dumpster to accommodate additional waste at the same location during higher demand.



Application for a Utah Commercial Hunting Area Certificate of Registration (COR)

Due May 1 with a fee of \$150.00. Applications received between May 2 and May 31 will be subject to a \$30.00 late fee. Applications are not accepted after May 31. Applications must be submitted to the Division of Wildlife Resources Regional Office in which the CHA is located.

Applications that do not include the following will be returned to applicant, unprocessed:

New applications:

- ☒ Required fees, AND
 - ☒ Plat maps depicting CHA boundaries and current ownership. Dated w/in 30 days from County Recorder, AND
 - ☒ CHA boundary on USGS 7 1/2 topographical map, or digital boundary file (gpx, kmz, or ESRI shape file) AND
 - ☒ Copy of a title, deed or tax notice that establishes proof that the applicant owns the property described.
- OR,
- ☒ Copy of lease agreements(s) that establishes proof that the applicant is the lessee of hunting or shooting rights on the property described for the three year period covered by the Certificate of Registration.

Renewal Applications:

- ☐ Required fees, AND
- ☐ Copy of lease agreement(s) applicable to the three year renewal period (if land is leased), AND
- ☐ All maps, proof of ownership and/or lease agreements as required for new applications if the CHA boundaries or property ownership has changed.
- ☐ Current Commercial Hunting Area COR number: _____

CHA Name: West Canyon Ranch West Area Operator Name: West Canyon Ranch, LLC

Phone: 435-753-6533 Mobile: 435-770-9060 Fax: 435-753-6536

Email: jason@westcanyonranch.com Web Site: www.westcanyonranch.com

Mailing Address: 502 East 11000 South City Avon State UT Zip 84328

Physical Address: 300 W West Canyon Road City Avon State UT Zip 84328

County: CACHE Nearest Town: PARADISE Direction to town: North Distance (mi): 5

Address of any propagation or game bird holding facility(ies) not located on the CHA property:

Address: 300 W West Canyon Road City Avon State UT Zip 84328

Total CHA Acres: 1920 The minimum accepted is 160 acres and the maximum is 1,920 acres in a single, connected tract.

Admittance to area: ☐ Open to public (with or without daily fee) ☒ Private membership ☐ Both

Hunting is permitted from **September 1 through March 31** (if September 1 falls on a Sunday, the season will open on August 31).

Annual Report: Each operator must submit an annual report provided by the division within 30 days of the close of the season. Do not combine data for multiple CHAs on one report.

Optional – Check if you want the Division to provide your CHA name, operator name, business address and telephone number for public release.

☒ I authorize the Division to release CHA information to the public.

I understand and have met the application requirements established in the CHA Rule (R657-22). Furthermore, I attest that I have provided all documentation required by the CHA Rule that verifies my legal ownership or current lease of the property in which my CHA Certificate of Registration will apply.

Applicant Signature: _____ Date: 04/30/13

DWR Office Use Only: Region: _____ Date Received Region: _____ Check #/ Cash Receipt #: _____
Date Received SLO: _____



Application for a Utah Commercial Hunting Area Certificate of Registration (COR)

Due May 1 with a fee of \$150.00. Applications received between May 2 and May 31 will be subject to a \$30.00 late fee. Applications are not accepted after May 31. Applications must be submitted to the Division of Wildlife Resources Regional Office in which the CHA is located.

Applications that do not include the following will be returned to applicant, unprocessed:

New applications:

- ☒ Required fees, AND
☒ Plat maps depicting CHA boundaries and current ownership. Dated w/in 30 days from County Recorder, AND
☒ CHA boundary on USGS 7 1/2 topographical map, or digital boundary file (gpx, kmz, or ESRI shape file) AND
☒ Copy of a title, deed or tax notice that establishes proof that the applicant owns the property described.
 OR,
☒ Copy of lease agreements(s) that establishes proof that the applicant is the lessee of hunting or shooting rights on the property described for the three year period covered by the Certificate of Registration.

Renewal Applications:

- ☐ Required fees, AND
☐ Copy of lease agreement(s) applicable to the three year renewal period (if land is leased), AND
☐ All maps, proof of ownership and/or lease agreements as required for new applications if the CHA boundaries or property ownership has changed.
☐ Current Commercial Hunting Area COR number: _____

CHA Name: West Canyon Ranch East Area Operator Name: West Canyon Ranch, LLC

Phone: 435-753-6533 Mobile: 435-770-9060 Fax: 435-753-6536

Email: jason@westcanyonranch.com Web Site: www.westcanyonranch.com

Mailing Address: 502 East 11000 South City Avon State UT Zip 84328

Physical Address: 300 W West Canyon Road City Avon State UT Zip 84328

County: CACHE Nearest Town: PARADISE Direction to town: North Distance (mi): 5

Address of any propagation or game bird holding facility(ies) not located on the CHA property:

Address: 300 W West Canyon Road City Avon State UT Zip 84328

Total CHA Acres: 1448 The minimum accepted is 160 acres and the maximum is 1,920 acres in a single, connected tract.

Admittance to area: ☐ Open to public (with or without daily fee) ☒ Private membership ☐ Both

Hunting is permitted from **September 1 through March 31** (if September 1 falls on a Sunday, the season will open on August 31).

Annual Report: Each operator must submit an annual report provided by the division within 30 days of the close of the season. Do not combine data for multiple CHAs on one report.

Optional – Check if you want the Division to provide your CHA name, operator name, business address and telephone number for public release.

☒ I authorize the Division to release CHA information to the public.

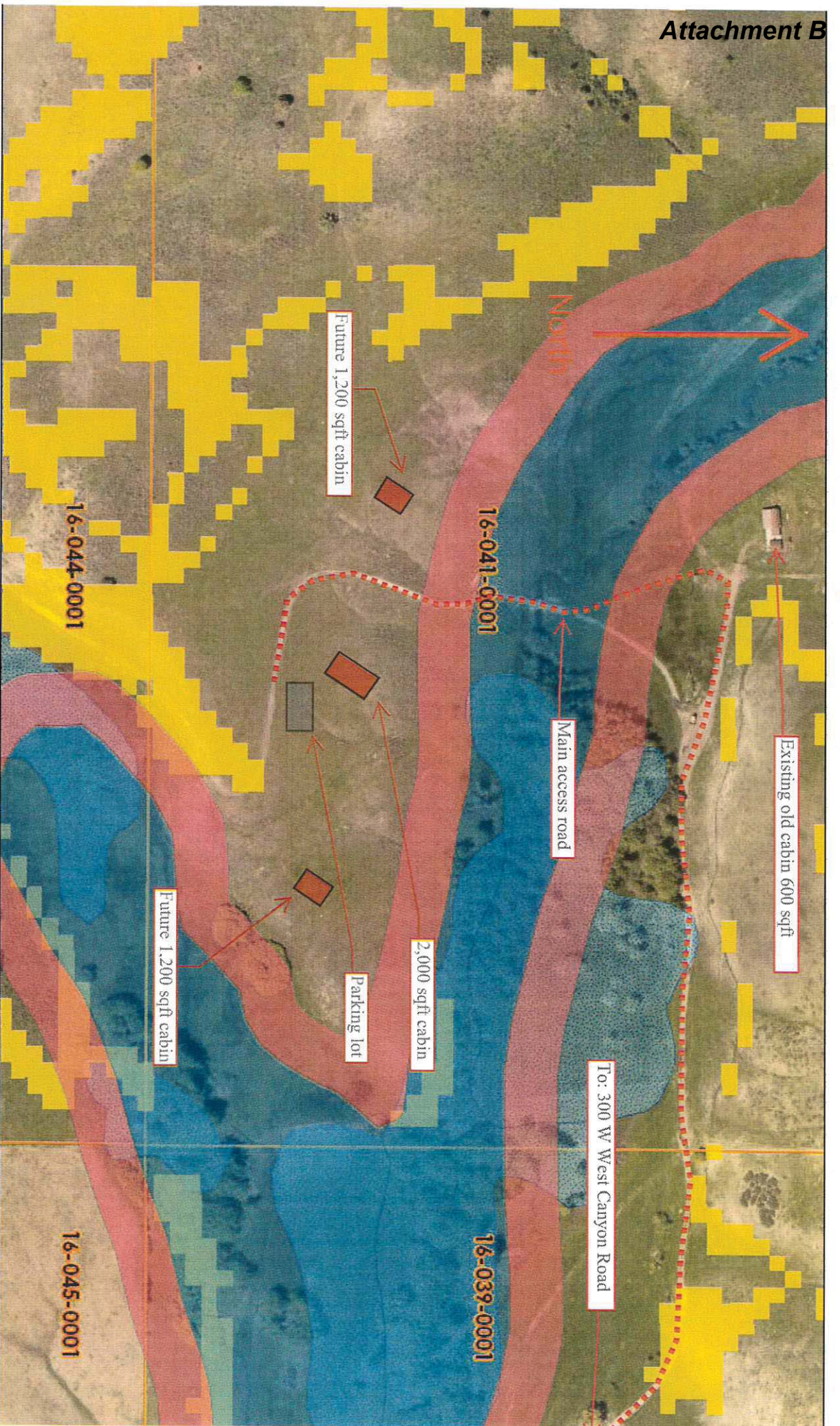
I understand and have met the application requirements established in the CHA Rule (R657-22). Furthermore, I attest that I have provided all documentation required by the CHA Rule that verifies my legal ownership or current lease of the property in which my CHA Certificate of Registration will apply.

Applicant Signature: _____ Date: 4/30/18

DWR Office Use Only: Region: _____ Date Received Region: _____ Check #/ Cash Receipt #: _____
 Date Received SLO: _____

West Canyon Ranch Cabin Site Plan

Attachment B



26/2018, 10:53:07 AM

Parcel Tax ID Label

County Boundary

FEMA Floodplain 2011

County Centerline

Municipal Boundaries

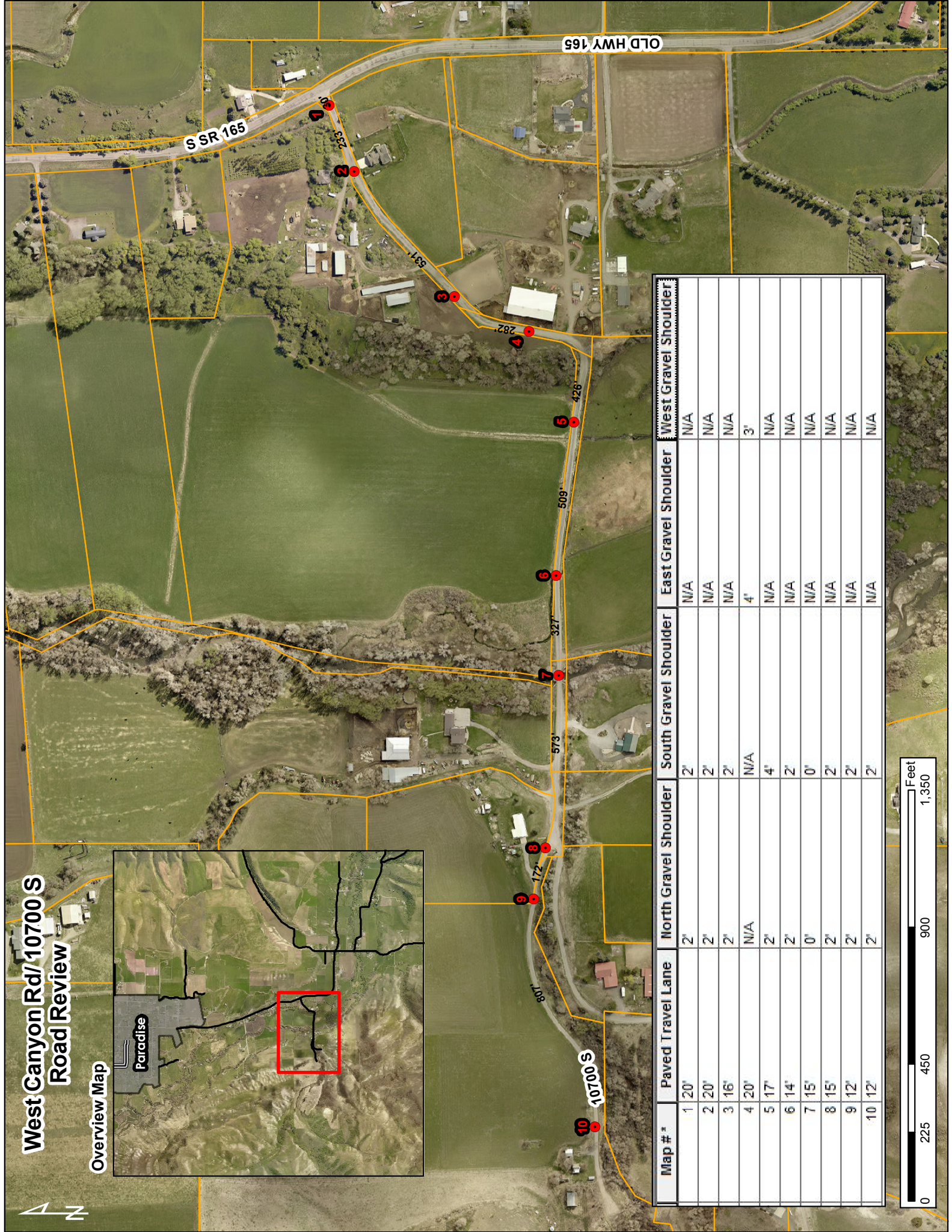
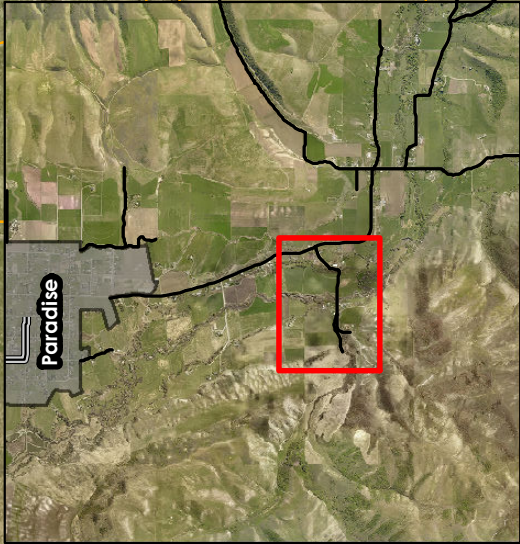
FEMA Floodplain 2011

State Roads

1:2,957
0 0.0225 0.045 0.09 mi
0 0.0275 0.055 0.11 km

West Canyon Rd/10700 S Road Review

Overview Map



Map #	Paved Travel Lane	North Gravel Shoulder	South Gravel Shoulder	East Gravel Shoulder	West Gravel Shoulder
1	20'	2'	2'	N/A	N/A
2	20'	2'	2'	N/A	N/A
3	16'	2'	2'	N/A	N/A
4	20'	N/A	N/A	4'	3'
5	17'	2'	4'	N/A	N/A
6	14'	2'	2'	N/A	N/A
7	15'	0'	0'	N/A	N/A
8	15'	2'	2'	N/A	N/A
9	12'	2'	2'	N/A	N/A
10	12'	2'	2'	N/A	N/A





STAFF REPORT: PISGAH LIMESTONE CUP 2ND AMENDMENT

14 June 2018

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: Lance Anderson

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Cache County Planning Commission

Parcel ID#: 10-004-0001, 10-004-0002, & portions of 10-002-0003, 10-068-0004, 10-067-0003, 10-066-0008, 10-066-0010

LOCATION

Reviewed by Angie Zetterquist

Project Address:

9800 South 3500 West

Wellsville Canyon

Current Zoning:

Acres: 937.47

Forest Recreation (FR40) and Mineral

Extraction and Excavation (ME) Overlay Zones

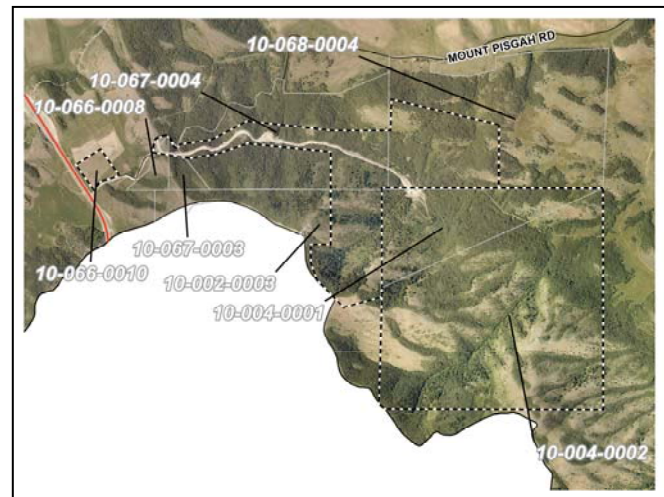
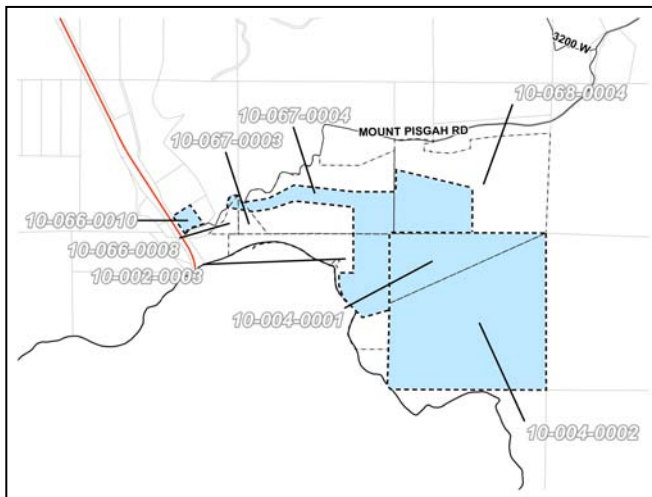
Surrounding Uses:

North – Forest Recreation

South – Forest Recreation/Box Elder County

East – Forest Recreation

West – Forest Recreation/Box Elder County



FINDINGS OF FACT (33)

A. Request description

1. The Pisgah Limestone Conditional Use Permit (CUP) 2nd Amendment is a request to amend a previously approved CUP to expand a mineral extraction operation (use type 6400 Mineral Extraction) with blasting on 937.47 acres over seven parcels.
2. On July 13, 2010, the County Council approved a rezone request for two of the properties (10-004-0001, 10-004-0002) from the Forest Recreation (FR40) Zone to the Mineral Extraction (ME) Zone.
3. In December 2011, a Conditional Use Permit was issued for a limestone and aggregate extraction operation divided into six phases over 50 years. Excavation sites were limited to a 5 acre rolling excavation site (i.e., a new 5-acre site could not be excavated until the prior site's

slope was restored and reclaimed). The Master Plan submitted for the CUP estimated that the total cubic yards extracted per phase would range from 52,000 in the first year of Phase I to 104,000 in Phases 5-6, in years 26-50. Estimated truck trips per day ranged from 8-10 trips per day in the early phases to a maximum of 15-20 trips in the final phases. Road improvements were required as a condition of approval.

4. In May 2016, the Planning Commission approved an amendment to the CUP to allow blasting to the extraction operation. No amendments for expansion were requested at that time; all other aspects of the master plan and original permit were to remain the same including the “rolling” nature of the quarry area and the estimated number of trucks per day.
5. As an approved commercial mineral extraction and excavation operation, Section 17.13.050(A) of the County Code requires that the applicant file an operations and progress report with the Planning Commission every three (3) years. In addition, the approved CUP has as a condition of approval that any expansion of the approved conditional use or alteration of the master plan shall require review and approval by the County Planning Commission prior to the expansion.
6. Since the approval of the amended CUP in May 2016, the operation experienced a significant increase in demand for their product and is requesting another amendment to revise the master plan and expand the excavation area. Given that the current level of activity exceeds the parameters of the originally approved Master Plan, the applicant is working to come into compliance through this amendment request.
7. The applicant initially submitted an application for an amendment to the CUP in November 2017. During the review for that application, it was determined that the operation had physically expanded beyond the two parcels that were part of the original 2012 CUP and 2016 CUP Amendment. Truck scales, stockpiling, and other operations had been located on adjacent parcels that were not part of the original approvals. Consequently, the applicant applied for a rezone request to add the Mineral Extraction (ME) Overlay Zone to these other areas. The rezone was approved in March 2018 (Ord. No. 2018-04).
8. Following the rezone approval, the applicant has submitted this revised CUP application to amend the 2016 approval.
9. The area proposed for extraction has resource potential according to the Sand and Gravel Resource Potential map (Attachment A). *See conclusion #1*
10. §17.13 Mineral Extraction and Excavation – Specific requirements for this use type are identified under §17.13 of the County Land Use Ordinance (Attachment B).
11. The applicant has provided an updated master plan prepared by Cache Landmark Engineering, dated May 3, 2018, (Attachment C) that details the operation as summarized here: *See condition #1 & #2.*
 - a. Extraction operation
 - i. The Master Plan for the initial CUP stated that extraction would occur in rolling 5-acre sites that would be reclaimed as the operation moved to the next 5-acre site. In the revised Master Plan for this CUP amendment, the applicant indicates that the extraction operation has moved into Phase 2 and expanded from 5-acre sites to 10-acres. The applicant anticipates that Phase 3 will begin this year and will move to a 50 acre site.
 - ii. The material being extracted is identified in the Master Plan as high quality calcium carbonate limestone. It is used in a variety of industries including, but not limited to:
 - a. Scrubber operations to clean air & water associated with production processes of coal fired electricity plants;

- b. Steel,
 - c. Sugar,
 - d. Portland cement production,
 - e. Road base, and
 - f. Landscaping.
- iii. The actual method of extracting the material consists of the relocation of topsoil and overburden from the excavation site. The limestone is then removed utilizing track hoes and blasting, as needed. A blasting permit was approved as part of the 2016 CUP Amendment and is included as part of the subject amendment request.
- iv. In addition to the actual extraction of resource material, there are several pieces of heavy equipment on site to crush, screen, load, and move the limestone.
- v. Once crushed the materials are sorted and prepared for transportation and then loaded on trucks. Prior to exiting the pit, loaded trucks stop at a scale installed on the private road for weighting before the truck enters US Hwy 89/91.
- vi. In Phase 3 of the Master Plan, from 2018-2022, the applicant anticipates approximately 600,000 cubic yards of resource material will be excavated and 100-110 truck trips will enter and leave the site daily. Phase 4, from 2023-2027, is estimated to maintain the same amount of excavated material and truck trips as Phase 3. Truck trips are estimated on 20 cubic yards per truck.
- vii. The revised Master Plan is intended to cover operations until 2027. Given that the demand increased significantly from the original master plan, the applicant determined it was better to revisit the CUP in 10 years instead of speculate on what the demand will be post-2027.
- viii. Phases 5 & 6 are future phases located on parcels 10-066-0010 and 10-068-0004 that may include operating an asphalt plant and cement kiln, but those potential operations are not a part of this request and will be reviewed and considered under a future amendment application. *See condition #3*
- b. Reclamation
 - i. The resource material is being removed from the site vertically. Consequently, immediate restoration and reclamation is not possible until the entire slope has been excavated and the resources have been extracted.
 - ii. According to the revised Master Plan, as the excavation progresses vertically further into the mountain, the side slopes will be restored and reclaimed to decrease the open mine face area.
 - iii. When the resource supply has been fully exhausted, a final restoration and reclamation will take place to stabilize all slopes and revegetate all areas disturbed during mining.
 - iv. Section 5.0, Reclamation and Restoration, of the revised Master Plan, states that the finish grade of each phase will be established as soon as reasonably possible. The finish grade will be restored by replacing and compacting overburden material sufficient to achieve stability without affecting permeability. Topsoil will then be placed on top of the finish grade with a seed mix for revegetation.
 - v. The seed mix to be used for reclamation must be approved by the County Weed Department prior to application of the mix. *See condition #4*

- vi. 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 #5*
- vii. A reclamation agreement and bond must be in place prior to recording the permit. *See condition #6*
- viii. The applicant must comply with all requirements of the State for state reclamation timelines and standards. *See condition #7*
- c. Storm water – Prior to operation a Storm Water Pollution Prevention Plan (SWPPP) Notice of Intent must be obtained for the affected areas including areas include within the rezone boundary, as applicable. *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 – Per the Master Plan, there are currently eight (8) employees on site who operate front end loads, haul trucks, excavators, and similar equipment. Table 3.2 of the Master Plan shows the number of employees needed depending on the level of extraction. Based on the table, the number of employees needed for extraction and processing will remain the same, but the employees needed for shipping (i.e., truck trips) increases significantly from 8-12 employees to 30-40. No more than 10 employees will be on-site at any one time. There will typically be 3-4 employees during extraction operations.
- f. Hours of operation – The Master Plan does not include hours of operation, however, the operation must be in conformance with §17.13.070.C. regarding hours operation and observed holiday schedules when operations must cease.
- g. Traffic and Parking – It is anticipated that approximately 4-15 employee vehicles may be on-site at any one time, and that there may be up to 110 trucks per day entering the site. Access to the site is from US HWY 89/91 and Mt. Pisgah Road to private access road that leads to the quarry. Per the Master Plan, a turn-around, loading, staging, and stockpile area has been constructed near the quarry at the top of the hill. This area is approximately 3.4 acres and includes an area for equipment storage and parking.
- h. Equipment – Equipment used for the operation includes heavy equipment such as front end loaders, bulldozer, tracked excavator, and crushing equipment.
- i. Signage – An existing, unpermitted sign is located at Mt. Pisgah Road along US HWY 89/91. No additional signage is requested. *See condition #10*

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

- 12. A Conditional Use Permit was approved in December 2011 for an extraction operation on parcels #10-004-0001 & -0002. The CUP approval establishes these as legal parcels. *See conclusion #1.*
- 13. The other parcels that are part of the subject CUP request are legal as follows:
 - a. 10-002-0003: legal, a number of permits including building, zoning clearances, and CUPs, have been issued on this parcel for antenna and accessory structures.
 - b. 10-068-0004: legal, 1970 parcel.
 - c. 10-067-0004: legal, 1970 parcel.
 - d. 10-067-0003: legal, 1970 parcel.
 - e. 10-066-0008: legal, 1970 parcel.

- f. 10-066-0010: legal; the parcel located immediately off of US 89/91, was divided from the parent parcel 10-066-0007 in 1993 without Land Use Authority to accommodate a temporary gravel operation during a period of road construction on the highway. Consequently, it was a restricted parcel until the applicant recently combined an adjacent parcel with 10-002-0003, which resulted in the same number of lots being present and no new lots having been created without land use authority, relieving this parcel of its restricted status. *See conclusion #1*

C. Conditional Uses

- 14. §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. *See conclusion #1.*

D. Compliance with law *See conclusion #1*

- 15. 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.
- 16. §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*
- 17. All parcels included in the subject request are legal parcels zoned Forest Recreation (FR40) with the Mineral Extraction (ME) Overlay Zone.
- 18. §17.07.030, Use Related Definitions defines this use as
 - a. “6400 Mineral Extraction: The extraction of metallic and nonmetallic minerals or materials; including the accessory uses of rock crushing, screening, and the storage of explosives; except where such excavation is for purposes of grading for a building lot or roadway, where grass sod is removed to be used for landscaping, or where materials are excavated from a lot for use on that same lot or an adjoining parcel by the owner of the property. Includes stone quarries and sand/gravel pits.
- 19. §17.09.030, Schedule of Uses by Zoning District, permits this use as a CUP in the Mineral Extraction (ME) Overlay Zone only if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses as noted. Mineral Extraction must also meet the requirements of §17.13 Mineral Extraction and Excavation.

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

- 20. The County Land Use Ordinance stipulates that:
 - a. Proposed CUP’s 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.
- 21. The activities of the proposed mineral extraction facility have been documented above in A-11. These activities will occur on a remote site with very few nearby structures. The nearest

manmade structures, beyond those constructed for the existing extraction operation, include a radio tower over 2,000 feet away and the UDOT facility at the summit of the canyon in Box Elder County.

22. With the requirements of the state and federal licensing for the use as well as the county code standards, the mineral extraction operation that the applicant is proposing will not cause unreasonable risks to the safety of persons or property and it will not unreasonably interfere with the lawful use of surrounding properties.

F. Adequate service provision *See conclusion #1*

23. 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.

24. Access: Access to the site from US Hwy 89/91 is from Mt. Pisgah Road, a county road, and a private access road, owned and maintained by the applicant.

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

- b. The Road Manual specifies the following: *See conclusion #1*.

- i. §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.
- ii. 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.
- iii. §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.
- iv. 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.
- v. §2.4-A-4-b: The review of requests for development on existing roadways must occur through the Design Exception process.
- vi. §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. *See condition #11*

25. The Public Works Inspector has provided a basic analysis and identified that: *See conclusion #1*.

- a. Mt. Pisgah Road:

- i. The road ranges from a gravel width of 40-to-55 feet to the point where it connects to the private access road. This exceeds the county standard.
- ii. The depth and type of material under the paved surface is unknown.

- iii. This roadway was widened and improved from Hwy 89/91 to the turn of the quarry road as a condition of approval for the original CUP.
 - iv. Is a low priority maintenance area for the county.
 - b. Private access road:
 - i. Was installed as part of the original permit and is a 26-foot wide gravel road with two-foot shoulders. This exceeds the county standard.
- 26. As mentioned, there will be a significant increase in truck trips associated with the subject CUP amendment request. The applicant has met with UDOT to discuss the impacts of the truck trip increase and completed an access evaluation for UDOT's review. It is staff's understanding that improvements to the northbound acceleration lane of the highway will be required. *See condition #12*
- 27. Fire: §16.04.080 [C] Fire Control – The County Fire District has reviewed the proposed plans and visited the site. The fire department access road meets fire code standards. Water supply for fire protection will be provided by the Wellsville Fire Department.
- 28. Refuse: Logan City Environmental had no comments on the proposed amendment. *See condition #13*

Public Notice and Comment—§17.02.040 Notice of Meetings

- 29. Public notice was posted online to the Utah Public Notice Website on 30 May 2018.
- 30. Notice was published in the Herald Journal on 3 June 2018.
- 31. Notices were posted in three public places on 30 May 2018.
- 32. Notices were mailed to all property owners within 300 feet of the subject property on 31 May 2018.
- 33. 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. The proponent and operator(s) must abide by the information as provided in the application and the information as identified in this report. *(See A-11)*
- 2. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. *(See A-11)*
- 3. No operations or processes associated to or separate from the primary mineral extraction facility are permitted on parcels 10-066-0010 and 10-068-0004 without approval of a new or amended conditional use permit. *(See A-11-a-viii)*
- 4. The seed mix to be used for reclamation must be approved by the County Weed Department prior to application of the mix. *(See A-11-b-v)*
- 5. 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-11-b-vi)*
- 6. Prior to recording the permit a reclamation agreement and bond that meets the requirements of §17.13.080 Reclamation Agreement must be in place. *(See A-11-b-vii)*
- 7. The applicant must comply with all requirements of the State for state reclamation timelines and standards. *(See A-11-b-viii)*
- 8. Prior to recordation, a copy of the Storm Water Pollution Prevention Plan (SWPPP) Notice of Intent for the affected areas must be provided to Development Services Department. *(See A-11-c)*

9. Dust control must follow best management practices that include watering the roadway with water trucks, limiting truck speed, and roadway maintenance (*See A-11-d*)
10. Prior to recordation, the proponent must apply for and obtain a permit for the sign located along US Hwy 89/91 or remove it. (*See A-11-i*)
11. Prior to recordation, the applicant must obtain approval of a design exception from the County Council regarding the surface material type and structural fill of Mt. Pisgah Road (*See F-24-vi*), or the applicant must make a full improvement to Mt. Pisgah Road to meet the minimum county requirements per the Road Manual for the Local Road. The design of Mt. Pisgah Road must be reviewed and approved by the Cache County Engineer for compliance with applicable codes as well as the Cache County Fire Department for emergency access. 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
12. Prior to recordation, the proponent must complete any and all improvements required by UDOT for US Hwy 89/91 and provide certification to the Director of Development Services that the work has been completed to UDOT's satisfaction. (*See F-26*)
13. Garbage collection must be coordinated with Logan City Environmental. (*See F-28*)
14. A copy of any required state permitting must be submitted to the Development Services Office.

CONCLUSIONS (2)

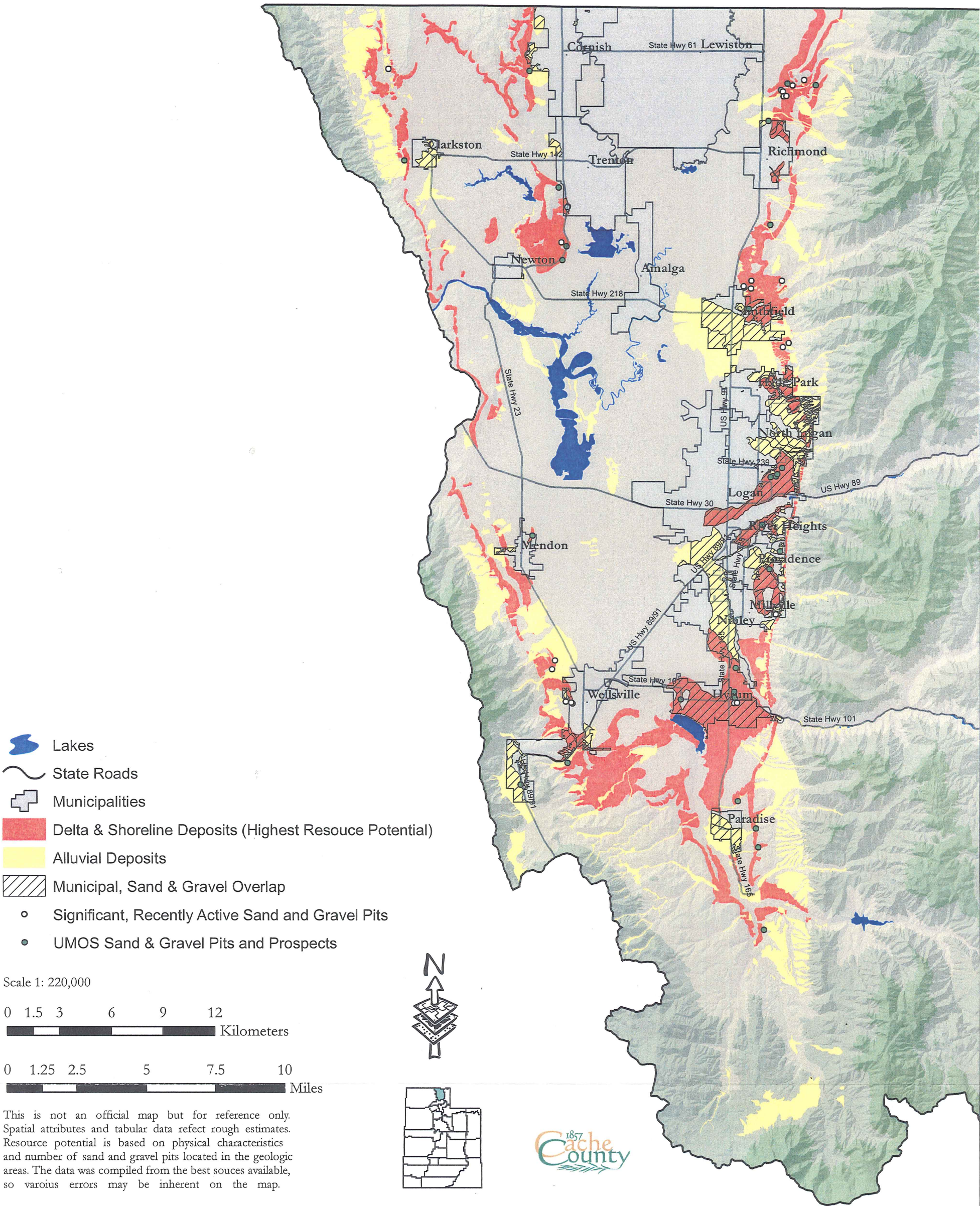
Based on the findings of fact and conditions noted herein, the Pisgah Limestone Conditional Use Permit 2nd Amendment is hereby approved as follows:

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-9, B-12, B-13, C-14, D, E, F-24, F-25*
2. Per §17.02.060, Establishment of Land Use Authority, the Planning Commission is authorized to act as the Land Use Authority for the Pisgah Limestone Conditional Use Permit 2nd Amendment application. *See D-16*

Sand & Gravel Resource Potential

Cache County, Utah

Attachment A



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

**UPDATED MASTER PLAN
FOR
MT. PISGAH QUARRY**

LIMESTONE RESOURCE AREA

June 6, 2018

PREPARED BY:

CACHE LANDARK ENGINEERING
95 W GOLF COURSE RD, SUITE 101
LOGAN, UTAH 84321
(435) 713-0099

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EXECUTIVE SUMMARY

This master plan has been updated for Pisgah Grazing LLC, owner of the BHT Mine. The original report was written to fulfill the requirements of the Cache County Mineral Extraction and Excavation Master Plan requirements, Title 17.13.060 (Cache County Code).

The limestone resource area is proposed to disturb a total area of 937.47 acres. Part of this will be disturbed for access roads, parking areas, storage pads and other items related to the extraction. The proposed resources area is located in Section 34 and 35 of Township 10 North, Range 1 West and Section 2, Township 9 North, Range 1 West, SLB&M.

The original 5-acre site mining permit from the State is located in the Northwest Quarter of Section 2. Per the master plan the excavation was to be implemented in several 5 acre phases. The project has since begun phase 2 and expanded the site to 10-acres. This expansion is shown in Sheet 4. With an increase in demand and production, the mine has completed Phase 2 earlier than previously planned. It is proposed that excavation in Phase 3 begin in 2018 (see Sheet 4, Appendix A). There are several pieces of heavy equipment on site to crush, screen, load, and move the limestone. Once crushed the materials are sorted and prepared for transportation. As the loaded trucks exit the pit they are stopped at an installed scale for weighing prior to reaching Highway 89-91. A vicinity map of the site is included in Appendix A-Sheet 1.

Projected production volumes have been adjusted each year based on the current demand. Limestone extraction is expected to continue for 10 years (see Table 2.3).

The resources are being extracted through a vertical dig. This does not allow for complete slope restoration and reclamation to take place until the entire slope has been excavated and the resources have been extracted. As the vertical dig extends further into the mountain, the side slopes will be restored and reclaimed to decrease the open mine face area. After the resource supply has been exhausted a final restoration and reclamation will take place to stabilize all slopes and re-vegetate all areas disturbed during mining.

1.0 INTRODUCTION AND MASTER PLAN OVERVIEW

On the south end of Cache Valley, below the peak of Mount Pisgah, we have identified a large reserve of high quality calcium carbonate limestone. High calcium carbonate lime is used in a variety of industries throughout the state. It is used in scrubber operations by large industrial and coal fired electricity generating plants to clean the air and water that has been polluted through their production process. It is also used in steel, sugar, Portland cement production and as a base in road construction. Additionally the hardness of the rock in the area has unearthed many large rocks that, while unsuitable for crushing, are excellent for landscaping.

The initial mineral extraction consists of the relocation of the topsoil and overburden and the removal of the material with track hoes. As the material was found to be of considerable hardness, a blasting permit was obtained to assist in extraction (see Appendix B). A crusher was then purchased and installed on site in order to reduce the material to a usable size. A topography map of the site is shown on Appendix A-Sheet 2.

2.0 SITE ACCESS, STAGING AND TRANSPORT

2.1 SITE ACCESS

Access to the site will occur from the existing Mt Pisgah Road. Mt Pisgah Road will then be accessed from three different locations depending on the need. Primary access will occur from Highway 89/91.

Currently, the Mt Pisgah road is an unimproved road, which provides a by-pass access from Paradise/Meridian road to Highway 89-91. The road varies in width and has several narrow and winding curves. The owners, with the County's approval, widened and improved the Road from Highway 89-91 to the turn off to the quarry. An ownership map is shown on Sheet 1. In addition, the access from the site to Mt Pisgah Road has been completed as is shown on Sheet 1.

2.2 STAGING

A turn-around, loading, staging and stockpile area has been constructed near the quarry at the top of the hill. This area is approximately 3.4 acres and includes a turn-around, stockpile area, loading area, and equipment storage/parking. Primary crushing and screening is also included in this area.

2.3 TRANSPORT

The transportation of mined materials shall be conducted on an incremental scale as production and demand increases. Estimates have been based on 20 cubic yards per truck. The transportation of mined materials will be carried out by operator contracted trucking, customer self-haul and third party independent trucking.

Production projections have been estimated as follows:

PHASE	YEAR	EXCAVATED C.Y.	TRUCK TRIPS/DAY
1	2011	52,000	8-10
1	2012	52,000	8-10
1	2013	78,000	10-15
2	2014-2017	500,000	70-110
3	2018-2022	600,000	100-110
4	2023-2027	600,000	100-110

Table 2.3- Production estimates and truck trips per day.

Table 2.3 has been updated to reflect the accelerated growth that the mine has experienced. The projected phase timeline has been changed to correspond with the updated mine phasing plan (see Sheet 4, Appendix A), and limit future growth projections to 10 years.

3.0 EXCAVATION, IMPLEMENTATION AND OPERATIONS

3.1 EXCAVATION

Excavation began on a five acre site in the northwest quarter of Section 2 as shown on Sheet 4 and has expanded to a 10-acre site into the southwest quarter of Section 35. As part of Phase 3 it is proposed that excavation continue on the 50 acre site in the northwest quarter of Section 2 shown as Phase 3 (see Sheet 4, Appendix A). As part of the tower reconstruction on top of Mt. Pisgah several years ago, an access road to the top of the mountain was built on the east side. The excavation will follow this road and will move up the mountain with each phase. As excavation progresses, finish gradient surfaces not to exceed 2H:1V shall be established. It is proposed that the finish grade of any exhausted area be established as soon as excavation and resource extraction is complete.

3.2 IMPLEMENTATION

Limestone is a rock with an enormous diversity of uses. It could be the one rock that is used in more ways than any other. Most limestone is crushed and used as a construction material. It is used as a crushed stone for road base and railroad ballast. It is used as an aggregate in concrete. It is fired in a kiln with crushed shale to make cement.

Some additional but also important uses of limestone include:

- **Dimension Stone:** Limestone is often cut into blocks and slabs of specific dimensions for use in construction and in architecture. It is used for facing stone, floor tiles, stair treads, window sills and many other purposes.

Roofing Granules: Crushed to a fine particle size, crushed limestone is used as a weather and heat-resistant coating on asphalt impregnated shingles and roofing. It is also used as a top coat on built-up roofs.

Flux Stone: Crushed limestone is used in smelting and other metal refining processes. In the heat of smelting, limestone combines with impurities and can be removed from the process as a slag.

Portland Cement: Limestone is heated in a kiln with shale, sand and other materials and ground to a powder that will harden after being mixed with water.

AgLime: Calcium carbonate is one of the most cost-effective acid neutralizing agents. When crushed to sand-size, or smaller, particles limestone becomes an effective material for treating acidic soils. It is widely used on farms throughout the world.

Lime: If calcium carbonate (CaCO_3) is heated to high temperature in a kiln the products will be a release of carbon dioxide gas (CO_2) and calcium oxide (CaO). The calcium oxide is a powerful acid neutralization agent. It is widely used as a soil treatment agent (faster acting than aglime) in agriculture and as an acid neutralization agent by the chemical industry.

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

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

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

3.3 OPERATIONS

Mineral extraction and shipping will be contracted by Pisgah Stone Products LLC. There are currently 8 employees on site used to operate front end loaders, haul trucks, excavators, a crusher/screener and monitor the entrance/scales. It is anticipated that the limestone and aggregate will be removed and staged using an excavator, bulldozer, front end loader. Some of the material will need to be processed through a screen and/or crusher.

In addition to the previously defined extraction methods, Pisgah Stone Products LLC will occasionally use blasting to assist with excavation. All blasting activities will be conducted in accordance with all federal, state and local laws. A copy of the current blasting permit is attached.

The mine has plans to expand its operations by constructing and operating a cement kiln and asphalt plant in phases 5 and 6 (See Sheet 4, Appendix A). An Amended Conditional Use Permit will be required before these additional operations will be permitted.

JOB DESCRIPTION	NUMBER OF EMPLOYEES
Employees Required for 52,000 c.y. production	
Mineral extraction	4-7
Mineral processing	4-8
Shipping	8-12
Employees Required for 500,000 c.y. production	
Mineral extraction	4-7
Mineral processing	4-8
Shipping	30-40

Table 3.2- Employees required for production.

4.0 STORM WATER MANAGEMENT, EROSION CONTROL AND POLLUTION PREVENTION

The excavation of limestone, as a rock aggregate, is exempt from the “Utah Mined Land Reclamation Permitting Requirements” by the State of Utah, Department of Natural Resources. The process will instead be regulated under the “Sand, Gravel and Rock Aggregate” definitions. As this type of an operation is ongoing, stabilization is not possible on all surfaces at all times. It will therefore be the responsibility of the operator to ensure all structures to control storm water will be in place and that all slopes are stabilized per the storm water regulations and required permits. Once finish grades are established, topsoil will be placed and the ground will be seeded.

As the excavation is fully contained within and adjoining the landowner’s property, storm water outside of the storage/parking areas will not be retained or detained. Instead, the water will be cleaned using a silt fence or natural vegetation. In areas of storage/parking and staging, storm water will be controlled with the use of a containment berm built at the east end of the staging area. As part of the mining operation, a berm will also be constructed at the lower end of each cut to capture storm water.

Storm water management will be under the direction of the State of Utah regulations and the required storm water permit. The Owner/Operator shall agree to obtain all necessary permits from the State of Utah. The Owner/Operator shall also perform maintenance and inspections according to said permits.

The proposed storm water pollution prevention measures are shown on Sheet 3.

A complete SWPPP (Storm Water Pollution and Prevention Plan) has been completed for the site and is included in Appendix C.

A layer of magnesium chloride will be applied to the road every spring to minimize dust migration. Whenever a crusher is to be used on site, a dust suppressing water system will be integrated with the crusher to reduce the amount of dust.

5.0 RECLAMATION AND RESTORATION

A final grading profile of phase 1 plan has been shown in Appendix A-Sheet 5. While this is not an all inclusive map, it is intended to provide a conceptual look at the final product. Finish gradients are not to exceed 2:1 slopes on any portion and the Owner/Operator shall provide a smooth transition from disturbed to existing ground.

It is proposed that the finish surface of each phase be established as soon as reasonably possible. The finish grade shall be restored by replacing and compacting overburden material sufficiently to achieve stability without affecting permeability. Topsoil will then be placed, with a suitable mixture of native grass and forbs used for re-vegetation. Owner/Operator shall implement necessary erosion control and slope stabilizations measures to ensure that the topsoil and overburden layers do not migrate. Owner/Operator shall inspect and facilitate vigorous establishment of re-vegetation.

6.0 EMERGENCY MANAGEMENT PLAN

Scope

In accordance with the requirements of the Mine Safety and Health Administration (MSHA), the Federal Environmental Protection Agency (EPA) and the State of Utah, Pisgah Lime LLC, has designed, implemented and maintains this Emergency Management Plan in order to better prepare the site in cases of accidental biological and chemical releases.

Purpose

The Hazardous Material Emergency Response Plan (HMERP) is the standard operating guideline that Pisgah Lime, LLC shall use in the event of a hazardous material incident. The HMERP is intended to assist the local emergency response agencies with an organized response to any incident that may involve the accidental release of biological or chemical material. The HMERP shall include not only the above referenced releases and spills, it will also address fires, personal injury accidents, acquisition and use of reference material including MSDS's and the Incident Command System, both internal and external.

Applicability

The Hazardous Material Emergency Response Plan shall be designed, used and maintained by those members of Pisgah Lime, LLC and any sub-contractors whose responsibility it is to respond, evaluate, coordinate, organize, mitigate and clean-up a release of a hazardous material that may adversely affect the health and safety of the Limestone Quarry and /or the environment. Those departments and employees that are or have the potential to become part of the HMERP shall include, but are not limited to; Cache County Fire and Police Departments. The HMERP can apply to both incidental and large scale incidents that could be handled in-house or with the aid of our local emergency services, respectively.

Ultimate Responsibility

The superintendant of Pisgah Limestone shall assume the responsibility of Emergency Director (ED) for all activities including hazardous material incidents.

1. Working with the Cache County Fire and Police, the ED will be able to implement the appropriate emergency operations for incidental spills, discharges of oil and any other hazardous material incident that does not warrant the use of self-contained breathing apparatus and/or "Level B" or greater personal protective equipment.
2. The ED shall be ultimately responsible for the incident, including all aspects of control, hazard mitigation, health and safety, clean-up and the financial burden that will be placed upon the mine.

If the hazardous material incident involves a significant biological or chemical incident, fire, medical emergency or other occurrence which overtaxes the resources of site resources, then the Emergency Director, or their respective designee shall request that the Cache County Fire Department be notified.

1. In accordance with the requirements of the State Fire Prevention Code, 527 CMR 1.0, the head of the fire department or their designee shall assume the responsibility for the Incident Command System and shall convey the appropriate information to the on-site ED.
2. At this point, the ED will surrender the Incident Command system to the Fire Department.

Potential Incidents

The most common hazardous material incidents that are likely to occur at Pisgah Quarry would be:

1. Incidental spills involving antifreeze, diesel fuel, gasoline and oil.
2. Fire involving diesel fuel, gasoline, and oil.

Personal Protective Equipment

Because Pisgah Quarry is currently only capable of handling "incidental spills" involving chemicals, gasoline, oil and other similar materials, our personal protective equipment needs are limited. The equipment available consists of:

1. Nitrile Gloves and Boots
2. Absorbent pads, pillows and socks for acids, flammable liquids and oils
3. Sodium Bicarbonate (50 lb. bags)

4. Plastic (spark resistant) tools including brooms, shovels and assorted tools

Emergency Response Agencies

Pisgah Quarries has previously identified Emergency Response Agencies that are able to assist in the mitigation of a hazardous material incident involving, but not limited to, chemicals, gas leaks and odors, oil spills and other incidents that may adversely affect the general public and/or the environment. The agencies that are to be called upon include:

Cache County Fire Department

The Cache County Fire Department is staffed 24 hours a day, 7 days a week. 435-755-1670

If the Cache County Fire Department is called upon to respond for a fire or hazardous material incident, it must be understood that they assume the role of "incident command". The highest ranking fire officer on the scene of the emergency is the "Incident Commander".

- Pisgah Quarry representatives, both administrative and support staff, will assist the "Incident Commander" as needed.
- The Emergency Director or his/her designee for Pisgah Quarry should remain with the "Incident Commander" at all times for reasons of communication, continuity, monetary and personnel support.

The Emergency Director or their designee should provide the following;

1. Police Officers in a number sufficient to protect public and property
2. Financial support as necessary to mitigate the hazard
3. Public Affairs Officer to properly assist the media
4. Support staff as necessary to properly manage the incident
5. An area for rehabilitation (i.e. rest, food, water etc.)
6. Recordkeeping staff to properly document the incident, expenditures and resources used.
7. An Area for Incident Command, if necessary.

Incidental Leaks, Releases and Spills

In accordance with the Pisgah Quarry Hazardous Waste Contingency Plan, an "incidental release or spill" shall mean a small scale discharge, leak, release or spill that can be absorbed, neutralized or otherwise controlled at the time of the incident by personnel at the college. The personnel referenced here-in shall refer to employees familiar with the materials, provided they have all received the necessary training. In order for the Hazardous Material discharge, leak, release or spill to be considered incidental, there can be no potential health risks, potential for explosion or fire and no risk of personal injury. In the event of an accident, explosion, fire, leak, release or spill, the first priority must be personal health and safety. The following is the recommended practice that should be followed in the event of a hazardous material incident;

1. Tell others in the area to evacuate
2. Evacuate the area or room

3. Call the Cache County Police from a safe location at 435-755-1000 · Give the dispatcher as much information as possible:
 1. Your name
 2. Where the incident took place
 3. Where you are calling from
 4. What happened
 5. Number of injuries
 6. Name of the chemical involved

Small Incident (*no ambulance required*)

1. Immediately remove all clothing affected by spill
2. Flush the area for at least 15 minutes
3. Obtain a copy of the MSDS to determine additional first aid measures, if any

Eye Injury – *Chemical*

1. Immediately flush the eye for at least 15 minutes. Affected eye should be lower than the uninjured eye
2. Have someone else call for the Cache County Police 435-755-1000

Large Incident - *Ambulance Required*

1. Notify other personnel in the area
2. With Personal Protective Equipment (gloves etc.) remove all clothing. Chemicals will pool in belts, pockets and shoes
3. Have someone else call the Cache County Police 435-755-1000
4. Flush the entire body, eye or face for at least 15 minutes or until the arrival of the Cache County Ambulance

' . *EXPLOSION or FIRE*

1. Notify occupants of the area
2. Evacuate the area
3. Call the Cache County Police from a safe location 435-755-1000

Tell the Dispatcher...

1. Your name
2. The number you are calling from
3. The area where the fire is located
4. If there are any injuries

- how many
 - the extent of injuries
- 5. Cause of the fire
 - chemical
 - electrical
 - gas
- 6. If there are additional hazards in the area or room
 - flammable gases or liquids
 - poisons
 - radioactive or biological materials
- 7. Who will meet the Cache County Police or Cache County Fire Department at the site
- 8. Your location, after evacuation from the building

If trained and the fire is small...

1. Select the appropriate fire extinguisher
2. Check the door to the room (if cool), open it
3. Extinguish the fire. After the extinguisher has been used, notify the superintendent

Reporting Requirements

As required, Pisgah Quarries shall report any incident involving a chemical leak, release or spill that is greater than or equal to the "reportable quantity" for that particular material. Reportable quantities will be reported to the Department of Environmental Protection, and when necessary the National Response Center. Any incident involving a chemical discharge, leak, release or spill that cannot be handled in house shall be reported to the Cache County Fire Department. Depending on the material or the severity of the incident, the Incident Commander can and may request the assistance of the Regional Hazardous Material Response Team.

Critiques and Debriefing

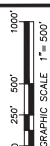
Pisgah Quarries, under the direction of the Emergency Director or his/her designee will conduct critiques and debriefings soon after an incident, when deemed necessary. The critiques will aid in the identification of problems that were or will be encountered during the hazardous material incident. Our goal is to prevent the re-occurrence of problematic situations and to improve our overall response to any and all incidents.

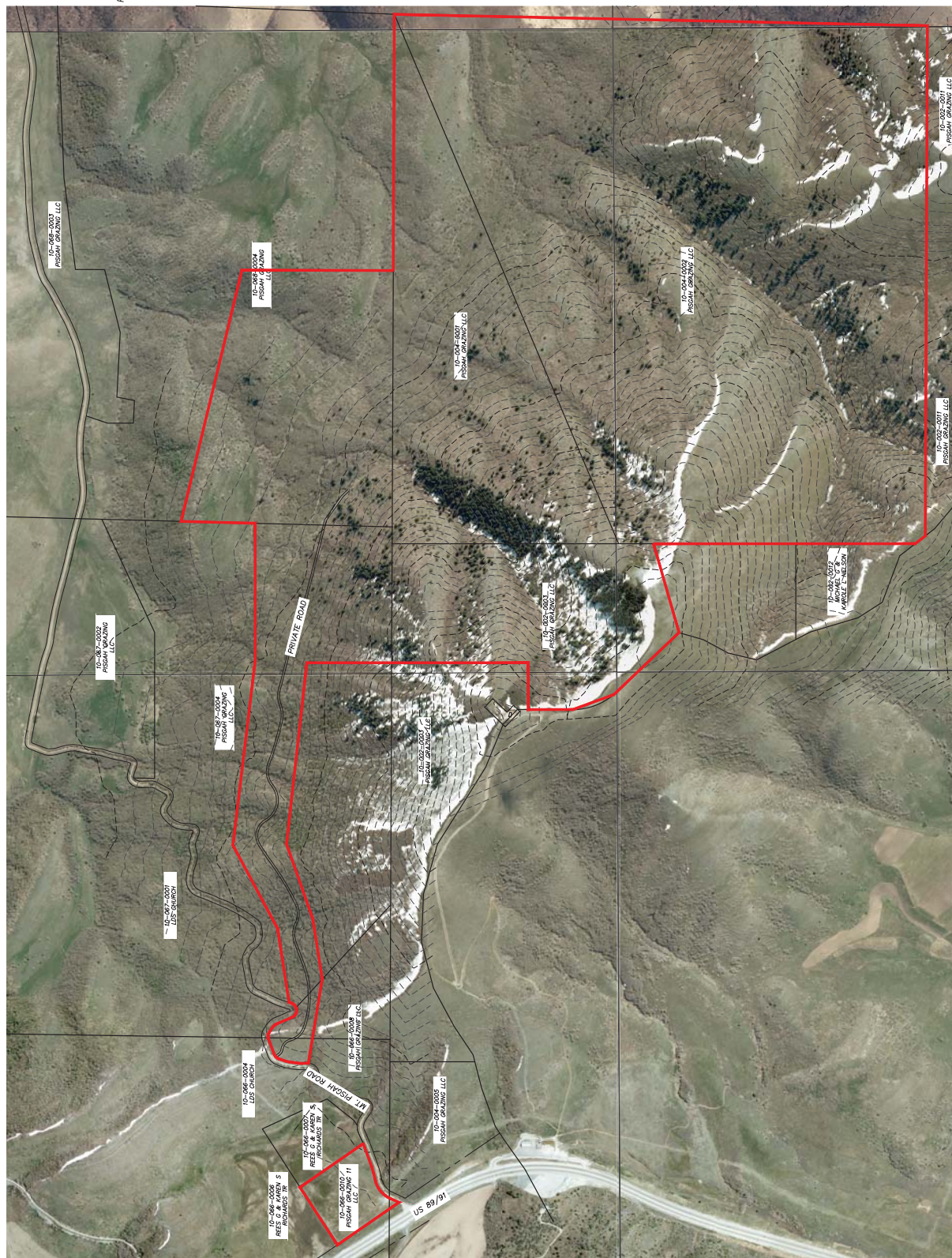
Training

All Pisgah Quarries personnel that are involved in Hazardous Material Emergency Response are trained to at least the First Responder Awareness Level.

- All training involving hazardous material response will occur at least annually.
- A table top or mock drill will also occur annually to aid in the training process
- Training records for the Pisgah Quarries Hazardous Material Emergency Response team will be maintained.

APPENDIX A- MASTER PLAN DRAWINGS

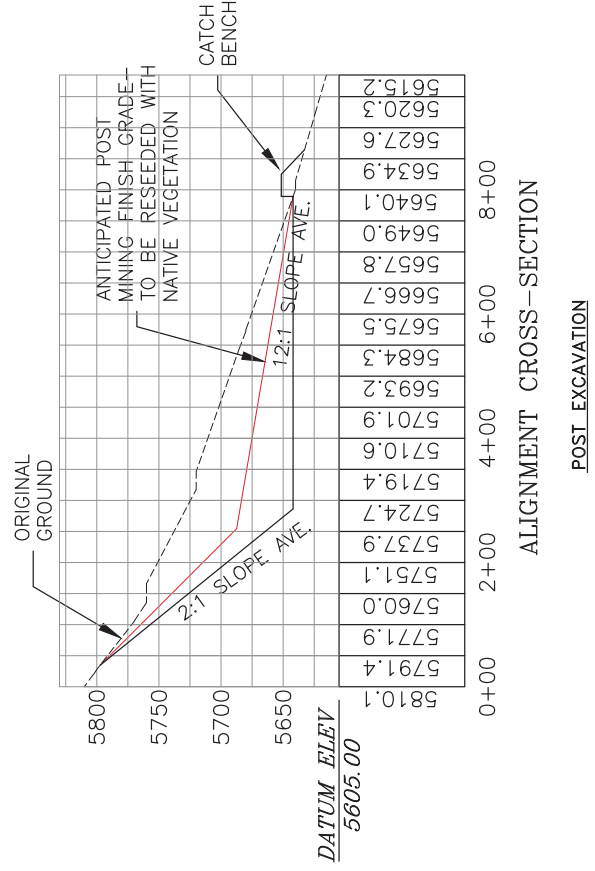
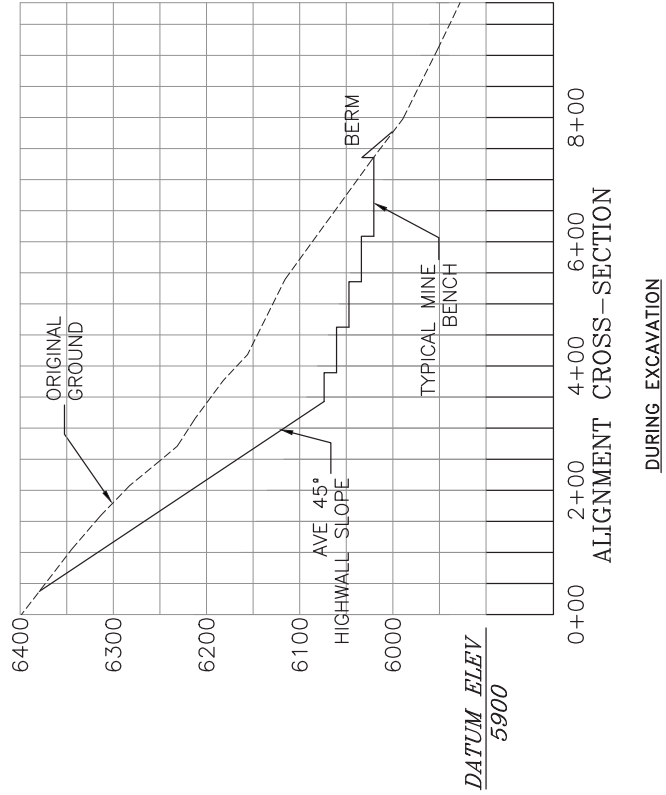
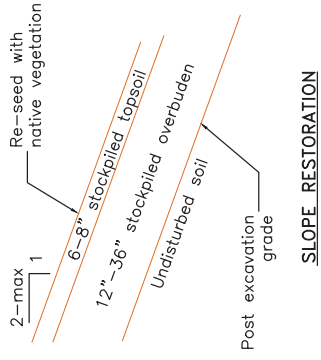




LEGEND

ME ZONED MINE
PROPERTY BOUNDARY

PROPERTY LINE



APPENDIX B- BLASTING PERMIT

BLASTING PERMIT**UTAH STATE FIRE MARSHAL**

5272 South College Drive, Suite 302

Murray, Utah 84123-2773

(801) 284-6350



Date of Issue: February 13, 2018

Valid Until: May 01, 2019

Issued to: 3 Rivers Inc.

Address: 51 E 400 N, Mail to: PO Box 987, Cedar City, Ut 84721

Permitted Operation(s): Blasting with various powders and agents with associated transport and storage at or near Pisgah Stone Quarry 41°33'13.7" N 111°55'40W in Cache County.

Conditions or Restrictions: All blasting to be done in daylight hours, adhering to all ATF, DOT & OSHA Regulations and Blasting Standards, with sufficient time to assess hang fuses and verify all charges have properly detonated. See reverse side for additional requirements.

The issuance of this permit shall not be construed to authorize any violation of any code provision, ordinances or laws pertaining to the reason for which the permit is issued.

The issuance of this permit shall not prevent the Deputy from thereafter requiring any additional safeguards or changes deemed necessary to insure the proper level of fire and life safety.

A handwritten signature in blue ink, appearing to read "Richard C. Moseley".

Deputy State Fire Marshal

Title

February 13, 2018

Date

Please see reverse side for Operational Notes

- 1) Contact the Local Dispatch Center in every case then the Area Fire Management Officer And/Or Fire Warden the day prior to blasting or no less than four hours prior to scheduled blasting. In the case of emergency, notify dispatch (911) of emergency and take whatever measures are necessary to preserve human life, safety and property.

Cache County Sheriff's Office Dispatch Phone: (435) 753-7555 Non-Emergency line for reporting
Cache County Area Fire Mgmt Officer, Dustin Richards 435-890-2071 dustinrichards@utah.gov
Cache County Fire Warden, Ken Matlys, 435-535-6434 kmatllys@utah.gov

- 2) Following any 911 Call, make required notifications to the BATFE, as required and contact the Utah State Fire Marshal's Office at the numbers listed in line numbers 3 & 4.
- 3) The Emergency Contact Number for the State Fire Marshal Office is 801-256-2499.
- 4) The contact number for Deputy Richard Moseley in the State Fire Marshal's Office is 801-696-8511.
- 5) The Contact and emergency contact information for this project is as listed below:
Blaster: Clayton Christensen Emergency Cell Phone: 435-590-4487

- 6) If any contact information or office locations change during the period of this permit contact Richard Moseley at (801) 696-8511 or rmoseley@utah.gov and a new permit will be issued to reflect these changes. If you are unable to contact him over a 48 hour period use the emergency contact number on line # 3 above (801-256-2499).
- 7) If a renewal of this permit is required please contact Richard Moseley 30 days prior to expiration of the permit.

APPENDIX C- STORM WATER PROTECTION PLAN

☐ AB. Facilities That Manufacture Transportation Equipment, Industrial or Commercial Machinery – transportation equipment, industrial or commercial machinery manufacturing facilities (commonly described by SIC Major Group 35 except SIC 357, and SIC Major Group 37, except SIC 373). Common activities include: industrial plant yards; material handling sites; refuse sites; sites used for application or disposal of process wastewaters; sites used for storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas for raw material and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

☐ AC. Facilities That Manufacture Electronic and Electrical Equipment and Components, Photographic and Optical Goods – facilities that manufacture: electronic and other electrical equipment and components, except computer equipment (SIC major group 36); measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks (SIC major group 38) and computer and office equipment (SIC code 357).

☐ AD. Non-Classified Facilities – facilities that meet the definition of storm water associated with industrial activity (UAC R317-8-3.9(6)(c) & (d), except for construction activities as defined under UAC R317-8-3.9(6)(d)10.) but, can not be classified in another industrial sector (i.e., sectors A to AC), and are not excluded from permit coverage elsewhere in this permit; or, the *Executive Secretary* has designated as needing a storm water permit under UAC R317-8-3.9(1)(a)5. Should conditions at a facility covered by this section change and industrial activities in another section(s) contained in sectors A to AC apply, the facility shall comply with any and all applicable monitoring and pollution prevention plan requirements of the other section(s) in addition to those contained in this section. The monitoring and pollution prevention plan terms and conditions of this permit are additive for industrial activities being conducted at the same industrial facility (co-located industrial activities). The operator of the facility shall determine which monitoring and pollution prevention plan section(s) of this permit (if any) are applicable to the facility.

V. CERTIFICATION: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Print Name: Pigsaw Stone Products, LLC

Date:

Signature:

Amount of Permit Fee Enclosed: \$ 150.00

Position Title: Officer

Email Address: mgale@beusgilbert.com

WHO MUST FILE A NOTICE OF INTENT (NOI) FORM

State law at UAC R317-8-3.9 prohibits point source discharges of storm water associated with industrial activity to a water body(ies) of the State without a Utah Pollutant Discharge Elimination System (UPDES) permit. The operator of an industrial activity that has such a storm water discharge must submit a NOI to obtain coverage under the UPDES Multi-Sector Storm Water General Permit. If you have questions about whether you need a permit under the UPDES Storm Water program, contact (801) 536-4300.

- ☒ J. Mineral Mining and Processing Facilities – active and inactive mineral mining and processing facilities (generally identified by Standard Industrial Classification (SIC) Major Group 14). Not covered are: 1) facilities associated with industrial activity which are subject to an existing effluent limitation guideline (40 CFR Part 436), 2) inactive mineral mining activities occurring on Federal lands where an operator cannot be identified are not eligible for coverage under this permit.
- ☐ K. Hazardous Waste Treatment Storage or Disposal Facilities – facilities that treat, store, or dispose of hazardous wastes, including those that are operating under interim status or a permit under subtitle C of RCRA. [Disposal facilities that have been properly closed and capped, and have no significant materials exposed to storm water, are considered inactive and do not require permits (UAC R317-8-3.9(6)(c)).]
- ☐ L. Landfills and Land Application Sites – waste disposal at landfills, land application sites, and open dumps that receive or have received industrial wastes. Open dumps are solid waste disposal units that are not in compliance with State/Federal criteria established under RCRA Subtitle D. Not covered are: inactive landfills, land application sites, and open dumps occurring on Federal lands where an operator cannot be identified.
- ☐ M. Automobile Salvage Yards – facilities engaged in dismantling or wrecking used motor vehicles for parts recycling or resale and for scrap (SIC Code 5015).
- ☐ N. Scrap Recycling and Waste Recycling Facilities – facilities that are engaged in the processing, reclaiming and wholesale distribution of scrap and waste materials such as ferrous and nonferrous metals, paper, plastic, cardboard, glass, animal hides (these types of activities are typically identified as SIC code 5093). Facilities that are engaged in reclaiming and recycling liquid wastes such as used oil, antifreeze, mineral spirits, and industrial solvents (also identified as SIC code 5093) are also covered under this section. Separate permit requirements have been established for recycling facilities that only receive source-separated recyclable materials primarily from non-industrial and residential sources (also identified as SIC 5093) (e.g., common consumer products including paper, newspaper, glass, cardboard, plastic containers, aluminum and tin cans). This includes recycling facilities commonly referred to as material recovery facilities (MRF).
- ☐ O. Steam Electric Power Generating Facilities – steam electric power generating facilities, including coal handling areas. Non-storm water discharges subject to effluent limitations guidelines are not covered by this permit. Storm water discharges from coal pile runoff subject to numeric limitations are eligible for coverage under this permit, but are subject to the limitations established by 40 CFR 423. Not covered are: ancillary facilities such as fleet centers, gas turbine stations, and substations that are not contiguous to a steam electric power generating facility are not covered by this permit. Heat capture co-generation facilities are not covered by this permit; however, dual fuel co-generation facilities are included.
- ☐ P. Vehicle Maintenance or Equipment Cleaning areas at Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, the United States Postal Service, or Railroad Transportation Facilities – ground transportation facilities and rail transportation facilities (generally identified by Standard Industrial Classification (SIC) codes 40, 41, 42, 43, and 5171), that have vehicle and equipment maintenance shops (vehicle and equipment rehabilitation, mechanical repairs, painting, fueling and lubrication) and/or equipment cleaning operations are eligible for coverage under this section. Also covered under this section are facilities found under SIC code 4221-4225 (public warehousing and storage) that do not have vehicle and equipment maintenance shops and/or equipment cleaning operations but have areas (exclusive of access roads and rail lines) where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products or industrial machinery are exposed to storm water.
- ☐ Q. Vehicle Maintenance Areas and Equipment Cleaning Areas of Water Transportation Facilities – water transportation facilities that have vehicle (vessel) maintenance shops and/or equipment cleaning operations. The water transportation industry includes facilities engaged in foreign or domestic transport of freight or passengers in deep sea or inland waters; marine cargo handling operations; ferry operations; towing and tugboat services; and marinas (facilities commonly identified by SIC code Major Group 44).
- ☐ R. Ship or Boat Building and Repair Yards – facilities engaged in ship building and repairing and boat building and repairing (SIC code 373).
- ☐ S. Vehicle Maintenance Areas, Equipment Cleaning Areas or Airport Deicing Operations located at Air Transportation Facilities – establishments and/or facilities including airports, air terminals, air carriers, flying fields, and establishments engaged in servicing or maintaining airports and/or aircraft (generally classified under Standard Industrial Classification (SIC) code 45) which have vehicle maintenance shops, material handling facilities, equipment cleaning operations or airport and/or aircraft deicing/anti-icing operations. For the purpose of this permit, the term "deicing" is defined as the process to remove frost, snow, or ice and "anti-icing" is the process which prevents the accumulation of frost, snow, or ice. Only those portions of the facility or establishment that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, or deicing/anti-icing operations are addressed under this section.
- ☐ T. Wastewater Treatment Works – treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including lands dedicated to the disposal of sewage sludge that are located within the confines of the facility with a design flow of 1.0 MGD or more, or required to have an approved pretreatment program under 40 CFR Part 403.
- ☐ U. Food and Kindred Products Facilities – food and kindred products processing facilities (commonly identified by Standard Industrial Classification (SIC) code 20), including: meat products; dairy products; canned, frozen and preserved fruits, vegetables, and food specialties; grain mill products; bakery products; sugar and confectionery products; fats and oils; beverages; and miscellaneous food preparations and kindred products and tobacco products manufacturing (SIC Code 21), except for storm water discharges identified under paragraph I.B.3. where industrial plant yards; material handling sites; refuse sites; sites used for application or disposal of process wastewaters; sites used for storage and maintenance of material handling equipment; sites used for residential treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; and storage areas for raw material and intermediate and finished products are exposed to storm water and areas where industrial activity has taken place in the past and significant materials remain. For the purposes of this paragraph, material handling activities include the storage, loading, and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product, or waste product.
- ☐ V. Textile Mills, Apparel and other Fabric Product Manufacturing Facilities – Textile Mill Products, of and regarding facilities and establishments engaged in the preparation of fiber and subsequent manufacturing of yarn, thread, braids, twine, and cordage, the manufacturing of broad woven fabrics, narrow woven fabrics, knit fabrics, and carpets and rugs from yarn; processes involved in the dyeing and finishing of fibers, yarn fabrics, and knit apparel; the integrated manufacturing of knit apparel and other finished articles of yarn; the manufacturing of felt goods (wool), lace goods, nonwoven fabrics; miscellaneous textiles, and other apparel products (generally described by SIC codes 22 and 23). This section also covers facilities engaged in manufacturing finished leather and artificial leather products (SIC 31, except 3111).
- ☐ W. Furniture and Fixture Manufacturing Facilities – facilities involved in the manufacturing of: wood kitchen cabinets (generally described by SIC code 2434); household furniture (generally described by SIC code 251); office furniture (generally described by SIC code 252); public buildings and related furniture (generally described by SIC code 253); partitions, shelving, lockers, and office and store fixtures (generally described by SIC code 254); and miscellaneous furniture and fixtures (generally described by SIC code 259).
- ☐ X. Printing and Publishing Facilities – newspaper, periodical, and book publishing or publishing and printing (SIC Codes 2711-2731); book printing (SIC Code 2732); miscellaneous publishing (SIC Code 2741); commercial printing, lithographic (SIC Code 2752); commercial printing, gravure (SIC Code 2754); commercial printing, not elsewhere classified (SIC Code 2759); manifold business forms, greeting cards, bankbooks, looseleaf binders and devices, bookbinding and related work, and typesetting (SIC Codes 2761-2791); and, plate making and related services (SIC Code 2796).
- ☐ Y. Rubber and Miscellaneous Plastic Product Manufacturing Facilities – rubber and miscellaneous plastic products manufacturing facilities (SIC major group 30) and miscellaneous manufacturing industries, except jewelry, silverware, and plated ware (SIC major group 39, except 391).
- ☐ Z. Leather Tanning and Finishing Facilities – leather tanning, currying and finishing (commonly identified by Standard Industrial Classification (SIC) code 3111). Discharges from facilities that make fertilizer solely from leather scraps and leather dust are also covered under this section.
- ☐ AA. Facilities That Manufacture Metal Products including Jewelry, Silverware and Plated Ware – fabricated metals industry listed below, except for electrical related industries: fabricated metal products, except machinery and transportation equipment, SIC 34, and jewelry, silverware, and plated ware (SIC Code 391).

- ☐ A. Timber Products Facilities – establishments [generally classified under Standard Industrial Classification (SIC) Major Group 24] that are engaged in cutting timber and pulpwood, merchant sawmills, lath mills, shingle mills, cooperage stock mills, planing mills, and plywood and veneer mills engaged in producing lumber and wood basic materials; and establishments engaged in wood preserving or in manufacturing finished articles made entirely of wood or related materials, except for wood kitchen cabinet manufacturers (SIC Code 2434), which are addressed under sector W.
- ☐ B. Paper and Allied Products Manufacturing Facilities – facilities engaged in the manufacture of pulps from wood and other cellulose fibers and from rags; the manufacture of paper and paperboard into converted products, such as paper coated off the paper machine, paper bags, paper boxes and envelopes; and establishments primarily engaged in manufacturing bags of plastic film and sheet. These facilities are commonly identified by Standard Industrial Classification (SIC) Major Group 26.
- ☐ C. Chemical and Allied Products Manufacturing Facilities – 1) Basic industrial inorganic chemicals (including SIC 281), 2) Plastic materials and synthetic resins, synthetic rubbers, and cellulosic and other humanmade fibers, except glass (including SIC 282), 3) Soap and other detergents and in producing glycerin from vegetable and animal fats and oils; specialty cleaning, polishing, and sanitation preparations; surface active preparations used as emulsifiers, wetting agents, and finishing agents, including sulfonated oils; and perfumes, cosmetics, and other toilet preparations (including SIC 284), 4) Paints (in paste and ready-mixed form); varnishes; lacquers; enamels and shellac; putties, wood fillers, and sealers; paint and varnish removers; paint brush cleaners; and allied paint products (including SIC 285), 5) Industrial organic chemicals (including SIC 286), 6) Nitrogenous and phosphatic basic fertilizers, mixed fertilizer, pesticides, and other agricultural chemicals (including SIC 287), 7) Industrial and household adhesives, glues, caulking compounds, sealants, and linoleum, tile, and rubber cements from vegetable, animal, or synthetic plastics materials; explosives; printing ink, including gravure ink, screen process ink, and lithographic; miscellaneous chemical preparations, such as fatty acids, essential oils, gelatin (except vegetable), sizes, bluing, laundry sours, writing and stamp pad ink, industrial compounds, such as boiler and heat insulating compounds, metal, oil, and water treatment compounds, waterproofing compounds, and chemical supplies for foundries (including facilities with SIC 289), 8) Ink and paints, including china painting enamels, india ink, drawing ink, platinum paints for burnt wood or leather work, paints for china painting, artists' paints and artists' water colors (SIC 3952, limited to those listed; for others see sector Y.), 9) Medicinal chemicals and pharmaceutical products, including the grading grinding and milling of botanicals (including SIC 283).
- ☐ D. Asphalt Paving, Roofing Materials, and Lubricant Manufacturing Facilities – 1) facilities engaged in manufacturing asphalt paving and roofing materials, including those facilities commonly identified by Standard Industrial Classification (SIC) codes 2951 and 2952, 2) portable asphalt plant facilities (also commonly identified by SIC code 2951), 3) facilities engaged in manufacturing lubricating oils and greases, including those facilities classified as SIC code 2992. Not covered are: 1) petroleum refining facilities, including those that manufacture asphalt or asphalt products and that are classified as SIC code 2911 (see sector I.), 2) oil recycling facilities (see sector N.), and 3) fats and oils rendering (see sector U.).
- ☐ E. Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing Facilities – manufacturing flat, pressed, or blown glass or glass containers; manufacturing hydraulic cement; manufacturing clay products including tile and brick; manufacturing of pottery and porcelain electrical supplies; manufacturing concrete products; manufacturing gypsum products; nonclay refractories; and grinding or otherwise treating minerals and earths. This section generally includes the following types of manufacturing operations: flat glass, (SIC code 3211); glass containers, (SIC code 3221); pressed and blown glass, not elsewhere classified, (SIC code 3229); glass products made of purchased glass (SIC code 3231) where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water; hydraulic cement, (SIC code 3241); brick and structural clay tile, (SIC code 3251); ceramic wall and floor tile, (SIC code 3253); clay refractories, (SIC code 3255); structural clay products not elsewhere classified (SIC code 3259); vitreous china plumbing fixtures, and china and earthen ware fittings and bathroom accessories (SIC code 3261); vitreous china table and kitchen articles (SIC code 3262); fine earthenware table and kitchen articles (SIC code 3263); porcelain electrical supplies, (SIC code 3264); pottery products, (SIC code 3269); concrete block and brick, (SIC code 3271); concrete products, except block and brick (SIC code 3272); ready-mix concrete, (SIC code 3273); lime (SIC code 3274); gypsum products, (SIC code 3275); cut stone and stone products (SIC code 3281); abrasive products (SIC code 3291); asbestos products (SIC code 3292); minerals and earths, ground or otherwise treated, (SIC code 3295); mineral wool (SIC code 3296); nonclay refractories, (SIC code 3297); and nonmetallic mineral products not elsewhere classified (SIC code 3299).
- ☐ F. Primary Metals Facilities – coking operations, sintering plants, blast furnaces, smelting operations, rolling mills, casting operations, heat treating, extruding, drawing, or forging of all types of ferrous and nonferrous metals, scrap, and ore. Coverage includes the following types of facilities: 1) Steel works, blast furnaces, and rolling and finishing mills including: steel wiredrawing and steel nails and spikes; cold-rolled steel sheet, strip, and bars; and steel pipes and tubes (SIC code 331), 2) Iron and steel foundries, including: gray and ductile iron, malleable iron, steel investment, and steel foundries not elsewhere classified (SIC code 332), 3) Primary smelting and refining of nonferrous metals, including: primary smelting and refining of copper, and primary production of aluminum (SIC code 333), 4) Secondary smelting and refining of nonferrous metals (SIC code 334), 5) Rolling, drawing, and extruding of nonferrous metals, including: rolling, drawing, and extruding of copper; rolling, drawing, and extruding of nonferrous metals, except copper and aluminum; and drawing and insulating of nonferrous wire (SIC code 335), 6) Nonferrous foundries (castings), including: aluminum die-castings, nonferrous die-castings, except aluminum, aluminum foundries, copper foundries, and nonferrous foundries, except copper and aluminum (SIC code 336), 7) Miscellaneous primary metal products, not elsewhere classified, including: metal heat treating, and primary metal products, not elsewhere classified (SIC code 339).
- ☐ G. Metal Mines (Ore Mining and Dressing) – active and inactive metal mining and ore dressing facilities [Standard Industrial Classification (SIC) Major Group 10] if the storm water has come into contact with, or is contaminated by, any overburden, raw material, intermediate product, finished product, byproduct, or waste product located on the site of the operation. SIC Major Group 10 includes establishments primarily engaged in mining, developing mines, or exploring for metallic minerals (ores) and also includes all ore dressing and beneficiating operations, whether performed at mills operated in conjunction with the mines served or at mills, such as custom mills, operated separately. For the purposes of this part of the permit, the term "metal mining" includes all ore mining and/or dressing and beneficiating operations, whether performed at mills operated in conjunction with the mines served or at mills, such as custom mills, operated separately. All storm water discharges from inactive metal mining facilities and the storm water discharges from the following areas of active, and temporarily inactive, metal mining facilities are the only discharges covered by this section of the permit: topsoil piles; offsite haul/access roads if off active area; onsite haul roads if not constructed of waste rock or if spent ore and mine water is not used for dust control; runoff from tailings dams/dikes when not constructed of waste rock/tailings and no process fluids are present; concentration building, if no contact with material piles; mill site, if no contact with material piles; chemical storage area; docking facility, if no excessive contact with waste product; explosive storage; reclaimed areas released from reclamation bonds prior to December 17, 1990; and partially/inadequately reclaimed areas or areas not released from reclamation bonds. Not covered are: 1) active metal mining facilities that are subject to the effluent limitation guidelines for the Ore Mining and Dressing Point Source Category (40 CFR Part 440). Coverage under this permit does not include adit drainage or contaminated springs or seeps at active facilities, temporarily inactive facilities, or inactive facilities. Also see permit conditions, Limitations on Coverage, Part I.B.3. 2) Storm water discharges associated with an industrial activity that the *Executive Secretary* has determined to be, or may reasonably be expected to be, contributing to a violation of a water quality standard, 3) Storm water discharges associated with industrial activity from inactive mining operations occurring on Federal lands where an operator cannot be identified.
- ☐ H. Coal Mines and Coal Mine-Related Facilities – coal mining-related areas (SIC Major Group 12) if they are not subject to effluent limitations guidelines under *40 CFR Part 434*. Not covered are: inactive mining activities occurring on Federal lands where an operator cannot be identified.
- ☐ I. Oil and Gas Extraction Facilities – oil and gas facilities listed under Standard Industrial Classification (SIC) Major Group 13 which are required to be permitted under *UAC R317-8-3.9(2)(a)3*. These include oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with any overburden raw material, intermediate products, finished products, by-products or waste products located on the site of such operations. Industries in SIC Major Group 13 include the extraction and production of crude oil, natural gas, oil sands and shale; the production of hydrocarbon liquids and natural gas from coal; and associated oil field service, supply and repair industries. This section also covers petroleum refineries listed under SIC code 2911. Contaminated storm water discharges from petroleum refining or drilling operations that are subject to nationally established BAT or BPT guidelines found at *40 CFR 419* and *435* respectively are not included. [Note that areas eligible for coverage at petroleum refineries will be very limited because the term "contaminated runoff", as defined under *40 CFR 419.11*, includes "... runoff which comes into contact with any raw material, intermediate product, finished product, by-product or waste product located on petroleum refinery property". Areas at petroleum refineries which may be eligible for permit coverage, provided discharges from these areas are not co-mingled with "contaminated runoff", include: vehicle and equipment storage, maintenance and refueling areas. Most areas at refineries will not be eligible for coverage including: raw material, intermediate product, by-product, waste material, chemical, and material storage areas; loading and unloading areas; transmission pipelines, and, processing areas.] Not covered are: inactive oil and gas operations occurring on Federal lands where an operator cannot be identified are not covered by this permit.

STATE OF UTAH, DEPARTMENT OF ENVIRONMENTAL QUALITY, DIVISION OF WATER QUALITY

195 North 1950 West, P.O. Box 144870, Salt Lake City, Utah 84114-4870 (801)536-4300

NOI

Notice of Intent (NOI) for Coverage Under the UPDES General Multi-Sector Storm Water Permit for Discharges Associated with Industrial Activity, Permit No. UTR283217

INSTRUCTIONS ON BACK PAGE

Submission of this Notice of Intent constitutes notice that the party identified in Section I of this form intends to be authorized by a UPDES permit issued for storm water discharges associated with industrial activity in the State of Utah. Becoming a permittee obligates such discharger to comply with the terms and conditions of the permit. ALL NECESSARY INFORMATION MUST BE PROVIDED ON THIS FORM. A different NOI form is provided for construction activities.

I. FACILITY OPERATOR INFORMATION

Issued Date 10/18/2017

Expiration Date 12/31/2017

Name: Pisgah Stone Products, LLC

Phone: 480-429-3180

Address: 701 North 44th Street

Status of Owner/Operator: PRIVATE

City: CACHE COUNTY (UNINCORPORATED AREA) State: AZ

Zip: 85008-6540

Facility Contact Person: Mike Schugg

Phone: 480-993-8813

Facility Contact Person Title:

II. FACILITY SITE/LOCATION INFORMATION

Name: Pisgah Stone Products, LLC

Is the facility located
in Indian Country?
(Y or N) No

Address: 4834 West Mount Pisgah Road

County: CACHE

City: WELLSVILLE

State: UT

Zip: 84339

Latitude: 41.553622

Longitude: -111.955221

Quarter:

Section:

Township:

Range:

Site Contact Person: Zeb Reay

Phone: 801-391-0565

Site Contact Person Title:

III. SITE ACTIVITY INFORMATION

Name of Municipality which Operates the Storm Sewer System: N/A

Receiving Water Body(s): Hyrum Reservoir null

Is there existing quantitative storm water discharge data? ☐ Yes ☒ NoIs the facility required to do analytical monitoring? (See permit conditions Part V. and Sector monitoring requirements.) ☐ Yes ☒ NoIs the facility required to do visual monitoring? (See permit conditions near the end of applicable Sector(s); Appendix A to AD) ☐ Yes ☒ NoIs the facility required to submit monitoring data or retain it on site? ☐ Submit ☒ Retain on siteIs This a New Facility, or is it an Existing Facility? ☒ New ☐ Existing

If This is an Existing Facility, and the Start-up Date was After Oct. 1992, Please Fill in the Start-up Month:

Month:

Year:

SIC or Designated Activity Code: Primary: 1422

2nd:3rd:4th:

If You Have Other Existing UPDES Permits, Enter Permit #'s:

IV. SECTOR IDENTIFICATION: The General Multi-Sector Permit covers all industrial activity that is required by law to be covered by a storm water permit. On the following pages the sectors are listed with a description of the industrial activity that is covered by that sector. Please check each sector that covers industrial activities which occur at your site. The sector covered in Appendix AD is the catch-all sector and should only be used if positively no other sector covers your industrial activity. If you should select AD, please call the Storm Water Coordinator at DWQ to discuss the need for choosing Sector AD (Non-Classified Facilities).

Untitled Map

Write a description for your map.

Legend

[Untitled]

Attachment C

POLICY FOR DETERMINATION OF PARCEL LEGALITY

29 August 2013

A determination of legality does not guarantee that a parcel/lot is developable. The standards and requirements of Cache County apply to the development of a parcel/lot. When determining parcel legality, the following apply:

1. **LEGALLY DEFINED SUBDIVISION:** A parcel is legal if it is in the same size and configuration as when the subdivision plat was recorded.
2. **1970 PARCEL:** A parcel is legal if it exists in the same size and configuration as recorded on the 1970 plat. While the effective date of the ordinance is August 21, 1970, the 1970 plat maps do not distinguish specific dates of recordation for each parcel. As needed, dates may be checked against history cards.
3. **1978 PARCEL:** A parcel is legal if it exists in the A10 zone in the same size and configuration as recorded on the 1978 plat if it is a minimum of 10 acres in size; if the parcel is less than 10 acres in size, both the parent and child parcel must each contain a home and separate septic systems. As per 13-2 of the 1970 Cache County Code, division of a parcel in the A-10 zone was allowed if the parcel was a minimum of 10 acres in size or if a parcel met the requirements of the R-1-10 zone. This allowance changed with the update of the Code section 13-2 on July 6, 1978 when the A-10 and A-20 zones were combined into the A-Agriculture Zone. From this date on, division of a single parcel from a 1970 parcel was allowed if it was a minimum of ½ acre in size and met the requirements of the A Zone.

A parcel in the FR40 zone is legal if it is the same size and configuration as recorded on the 1978 plat. It must also be a minimum of 40 acres in size.

4. **BUILDING PERMIT:** A parcel is legal if it exists in the same size and configuration as it did when a building permit was issued for the construction of a single family dwelling. Building permits for structures other than a single family dwelling do not establish legality unless said permits were for the construction of primary structures in the Commercial or Industrial/Manufacturing zones.
5. **2000 PARCEL:** A parcel is legal if it exists in the A10 zone in the same size and configuration as it did in 2000 and is a legal, developable lot if no more than one division occurred since the original 1970 parcel. The 1978 County Code allowed the division of a single parcel from a 1970 parcel if it was a minimum of ½ acre in size and met the requirements of the A Zone. With the adoption of Section 100 of the 2001 Code on January 1, 2001, any subdivision required a formal process and the approval of the land use authority. The Code also required that the subdivision process was addressed through a conditional use permit.

A parcel in the FR40 zone is legal if it is a minimum of 40 acres in size.

6. **BOUNDARY LINE ADJUSTMENT:** Adjustments to property lines without the creation of a new parcel prior to May 14, 2013 required the approval of the land use authority. Adjustments on or after that date no longer require the approval of the land use authority. (See 17-27a-522, 523 of State Code.)

7. **CONDITIONAL USE PERMIT:** A parcel is legal if it exists in the same size and configuration as it did when a conditional use permit was recorded. This does not apply to conditional use permits for temporary uses or structures, or accessory uses or structures.
8. **OTHER LEGAL RECORDS:** In circumstances where the legality of parcels cannot be determined based on available information, any one of the following records that establishes legality through any one of the above items must be provided:
- a) A recorded deed, or;
 - b) A signed, notarized, unrecorded deed (escrow agreement, etc.) , or;
 - c) A contract which is dated, signed, and notarized, or;
 - d) Proof of payment with the notarized statements of interested parties



Director of Development Services

8/29/2013

Date

Zones that allow residential dwellings

	Zone	Density	Min. Lot Size in acres	
1958	A-1	-	10	
	A-2	-	2	
	R-1	-	0.23	
1965 Sub. Ord.	-	-	0.18	1st Sub. Ord. adopted
1970	FR-0.5	-	0.5	
	FR-1	-	1	
	FR-5	-	5	
	FR-10	-	10	
	FR-20	-	20	
	FR-40	-	40	
	A-10	-	10	In 1978, A-10 and A-20 combined into A
	A-20	-	20	
	RA-1	-	1	
	RA-2	-	2	
	RA-5	-	5	
	RE-1	-	1	
	RE-2	-	2	
	RE-5	-	5	
	R-1-6	-	0.14	
	R-1-8	-	0.18	
	R-1-10	-	0.23	
	R-1-12	-	0.28	
	R-2-7.5	-	0.17	
	R-2-9	-	0.21	
	RM-3-5	-	0.12	
	RM-4-5	-	0.12	
1990	A	-	0.5	
	FR-40	-	40	
	PUD	+10%	0.5	PUD removed in 2004
2006	New subdivision ordinance adopted			
2009	RU2	2	0.5	
	RU5	5	0.5	
	A10	10	0.5	
	FR40	40	1	
	C	0.5	0.5	
	I	n/a	n/a	

Count of New Parcels Created Per Tax Year: Unincorporated County

New System Import of Existing Parcels->	Tax Yr	New Parcels	New Parcels in a Sub. or Amend.	New Parcels Not in a Subdivision
	1997	1	-	-
	1998	9626	-	-
	1999	319	47	272
	2000	346	50	296
	2001	357	98	259
	2002	335	72	263
	2003	342	66	276
	2004	272	71	201
	2005	267	56	211
	2006	272	65	207
	2007	320	98	222
	2008	239	86	153
	2009	257	77	180
	2010	193	80	113
	2011	185	47	138
	2012	112	11	101
	2013	181	44	137
	2014	181	31	150
	2015	191	15	176
	2016	223	26	197
	2017	266	33	233
Totals:	19 years	4858	1073	3785

Existing definitions:

LOT/PARCEL, LEGAL: A lot, or parcel of ground, that is eligible to be developed in conformance with the requirements of Titles 16 and 17. See the adopted policy of the Development Service Department dated August 29, 2013 for legal requirements.

LOT/PARCEL, RESTRICTED: A lot, parcel or tract of land, the deed of which has been recorded in the office of the Cache County Recorder, but has not received the necessary approvals as required by the Cache County Subdivision Ordinance existing at the time of recordation (see Lot/Parcel, Legal). Restricted lots/parcels are not eligible to receive building permits, zoning clearances, or conditional use permits, but they may be issued a zoning clearance for an agricultural structure as reviewed and approved by the Director of Development Services.

AGRICULTURAL REMAINDER

- 1) The minimum size of any remainder must be in conformance with §59-2-5 of Utah Code Annotated, 1953, as amended.
- 2) Any remainder shall require a deed restriction to be recorded stating that the remainder is non-buildable except for agricultural structures. This restriction can only be removed by the appropriate land use authority.
- 3) Does not count as a "lot" for development density as described in §17.10.030 of this code.
- 4) Must be reviewed and approved by the land use authority to ensure the promotion and/or preservation of agriculture in terms of the layout and design of the agricultural remainders.

OPEN SPACE: Any area of a lot that is completely free and unobstructed from any manmade structures or parking areas.

Proposed definitions:

LOT/PARCEL: A property within the boundaries of Cache County that has been recorded in the office of the Cache County Recorder.

1. A lot/parcel may qualify as either:
 - a. Legal, conforming; or
 - b. Legal, nonconforming; or
 - c. Restricted.
2. A lot/parcel may be identified as legal or restricted as follows:
 - a. Legal – To qualify as legal lot/parcel a property must:
 - i. Be in the same size and configuration as approved by the county land use authority on the recorded subdivision plat; or
 - ii. If not part of an approved and recorded subdivision plat, be an existing, recorded parcel as of August 8, 2006.
 - b. Restricted – A property that has been recorded in the office of the Cache County Recorder without the necessary land use authority approval.
 - i. A restricted lot/parcel is not eligible to receive building permits, zoning clearances, or conditional use permits, but may be issued a zoning clearance for an Agricultural Structure.
3. A lot/parcel may be identified as conforming or nonconforming as follows:
 - a. Conforming – A property that lawfully exists and meets the minimum requirements of the zoning district in which it is located.
 - b. Nonconforming – A property that lawfully existed prior to the enactment of the requirements of this title, but does not currently meet the minimum requirements of the zoning district in which it is located.

REMAINDER: A property within a development that is essentially unimproved. This property does not count toward the total number of lots allowed in a subdivision. A remainder must qualify as one of the following:

1. Agricultural Remainder – To qualify as agricultural, any single parcel must:
 - a. Have a minimum size no less than the requirements of §59-2-5 of Utah Code Annotated, 1953, as amended.
 - b. Include a recorded deed restriction, or note on the recorded subdivision plat, stating that the remainder is non-buildable except for agricultural structures. This restriction can only be removed by the appropriate land use authority.
 - c. Be reviewed and approved by the land use authority to confirm the promotion and/or preservation of agriculture.
2. Open space - Land within or related to a development that is designed and intended for the common use or enjoyment of the residents of the development.

16.02.050: Subdivision Plat Amendment

- A. Amending a Legally Recorded Subdivision Plat: Any fee owner, as shown on the last county assessment rolls, of land within a subdivision may, in writing, petition the land use authority to have the plat, any portion of it, or any road or lot contained in it, vacated, altered, or amended.
- B. The division of any property previously approved through the conditional use permit process shall be considered, for the purpose of this title and Title 17, a legally recorded subdivision if a subdivision plat for that division was recorded.
- C. The land use authority may consider any proposed vacation, alteration, or amendment of a recorded subdivision plat in compliance with section 17-27a-608 and 609, Utah Code Annotated, 1953, as amended.
- D. A request for a subdivision amendment must include the following material:
 - 1. For the adjustment of boundary lines between existing, legal lots: A record of survey showing the parcels or lots identifying the existing lot line dividing the parcels and the proposed new lot line(s) after the adjustment including the legal description for each amended lot or parcel.
 - 2. For the creation of a new lot/parcel: Any division of property that results in the creation of a developable lot must meet the minimum lot and development standards as outlined in each base zone of the Cache County Zoning Ordinance and within this title.
- E. Amending an Approved Subdivision Plat Prior to Recordation: An approved, unrecorded subdivision plat may have minor modifications made to the final plat so long as the modifications are not substantial, as determined by the Director of Development Services. The final plat must contain all necessary signatures and be recorded in compliance with this title.

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17.10.020 General Requirements.....	1
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17.10.010: Purpose

The regulations hereinafter set forth in this chapter supplement and/or qualify the zone regulations appearing elsewhere in this title.

17.10.020: General Requirements

A. Every Single Family Dwelling to be on a Legal Lot:

1. Every single family dwelling shall be located and maintained on an approved lot, as defined in this title.
2. A travel trailer or similar vehicle, to be used for housing, may be placed on the same lot as a Single Family Dwelling that is under construction for up to 180 days.

B. Establishment of Legal Lots:

1. Legal lots are established as defined in section 17.07.040 under the definition of Lot/Parcel. ~~Outside of a defined subdivision, a parcel may be determined to be a legal developable lot as per the conditions outlined in the “Development Services Policy for the Determination of Parcel Legality” dated August 29th, 2013.~~
2. The Cache County Director of Development Services shall make all final determinations of parcel legality.

C. Combined Lots or Parcels:

1. If combined lots/parcels have two (2) or more different zoning designations, the uses and regulations of the most restrictive zone will apply.

D. Sale or Lease of Required Space:

1. Space needed to meet the width, setback, area, coverage, parking or other requirements of this title for a lot/parcel or building shall not be sold or leased away from such lot/parcel or building.

E. Sale of Lots/Parcels Below Minimum Space Requirements:

1. A parcel of land which has less than the minimum width and area required for the zone in which it is located shall not be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development.

F. Restricted Lots:

1. No permits or licenses will be issued for a use on any restricted lot.
2. A restricted lot which meets all the requirements of this title for a lot, but the creation of which has caused any adjacent lot from which it was severed to be insufficient in frontage, yard or other requirements, may be considered legal by adding sufficient area to the adjacent lot to meet all of the requirements of this title for a lot in its zone. The added area must be duly platted and evidenced in the public records by a deed showing a single legal description in the office of the county recorder.

3. A restricted lot meeting the minimum lot size and/or density requirements of a zone may apply for subdivision.

G. Nonconforming Lot/Parcel

1. Legal lots not meeting the minimum lot size or density requirements of the applicable zone shall be entitled to be developed as a lot, but shall not be entitled to further subdivision in that nonconforming configuration.

H. Nonconforming Structure

1. Existence: A nonconforming structure may continue provided that it:
 - a. Is determined to legally exist prior to the effective date of the applicable ordinance, or legally established by the action of a federal, state, or local government entity, and;
 - b. Has been continuously maintained.
2. Alteration: A nonconforming structure may be altered, maintained, and/or repaired as follows:
 - a. Minor: Minor changes that do not increase the nonconformity are permitted provided that:
 - i. Necessary permits are obtained, and on any work being completed that requires a building permit a zoning clearance shall be issued that identifies the following:
 - 1) The legally nonconforming status, and;
 - 2) The nonconformity, and;
 - 3) That the nonconformity of the structure is not being increased.
 - ii. Any reconstruction or restoration of a nonconforming structure shall comply with state and county code.
 - b. Major: Requests for major changes that increase a nonconformity may be made to the Cache County Board of Adjustments and must meet state code requirements for a variance.
3. Abandonment: A nonconforming structure may be determined to be abandoned in compliance with state and county code.

17.10.030: Development Density and Standards Specific to Base Zoning Districts

~~A. Agricultural (A10); the following site development densities shall be complied with in the agricultural zoning district (A10):~~

- ~~1. 1970 parcel development option: 1970 parcels may divide the first three (3) lots at a density of one lot per two (2) acres. All development beyond the first three (3) lots on a 1970 parcel shall conform to the density of one lot per ten (10) acres.~~
 - ~~a. 1970 parcels shall not be permitted to be adjusted through the means of boundary line adjustments to promote additional development potential under this option. Boundary line adjustments may be completed to deal with subdivision design issues, but shall not be permitted to obtain additional lots.~~
 - ~~b. 1970 parcels that no longer exist or that have been substantially modified shall not be permitted to be re-created for the purpose of further subdivision under this development option.~~

~~B. Forest Recreation (FR40) Zone; the following site development standards shall be complied with in the forest recreation zoning district (FR40):~~

~~1. Year Round Occupancy Restriction: Year round residences are prohibited. The maximum occupancy period of any dwelling shall be limited to one hundred eighty (180) days per calendar year.~~

~~C.~~A. Commercial (C) and Industrial (I) Zones: the following site development standards shall be complied with in the Commercial (C) and Industrial (I) Zoning Districts:

1. Screening and Landscaping:

- a. Where any commercial or industrial lot shares a common boundary with property zoned A10, RU5, or RU2, a screen shall be provided at least six feet (6') in height. The screen may be a fence, wall, berm or approved landscaping or some combination of the same.
- b. All mechanical equipment related to the building, including heating and air conditioning units and trash dumpsters, shall be completely screened from surrounding properties by use of a solid screening fence or wall six feet (6') in height or shall be enclosed within a building. Trash dumpsters shall be located a minimum twenty five feet (25') from any property zoned A10, RU5, or RU2.
- c. Wherever off street parking areas are situated across the roadway from property zoned A10, RU5, or RU2, a berm or retaining wall in conjunction with a berm, three feet (3') in height shall be constructed within the required setback to adequately screen the parking.
- d. Landscaping shall be required on ten percent (10%) of the gross area of the proposed project site. Gross area is interpreted as the total project site area remaining after any required road right of way dedication.
- e. All landscaping shall be maintained in a healthy, neat, and orderly condition free of weeds and litter. All paved areas, walls, or fences shall be in good repair without broken parts, holes, potholes, or litter.
- f. The planning commission may modify any provision of the screening and landscaping sections of this chapter if strict adherence to a requirement should be delayed or is deemed unnecessary.

2. General Provisions: The land use authority may limit the hours of operation of a business located within the Commercial (C) and Industrial (I) zoning districts. This limitation may be a requirement of obtaining or renewing a business license. Any limitation on the hours of operation of an existing business shall require the land use authority to provide factual findings for the limitation.

17.10.040: Site Development Standards

Table 17.10.040 of this section lists the site development standards that apply within all zoning districts. These are "base" standards, not entitlements. Other regulations of the Land Use Ordinance, the subdivision ordinance, other applicable county ordinances and policies, requirements imposed as conditions of permitting, or requirements from other local, state, and federal agencies may impose other development standards.

Table 17.10.040 Site Development Standards

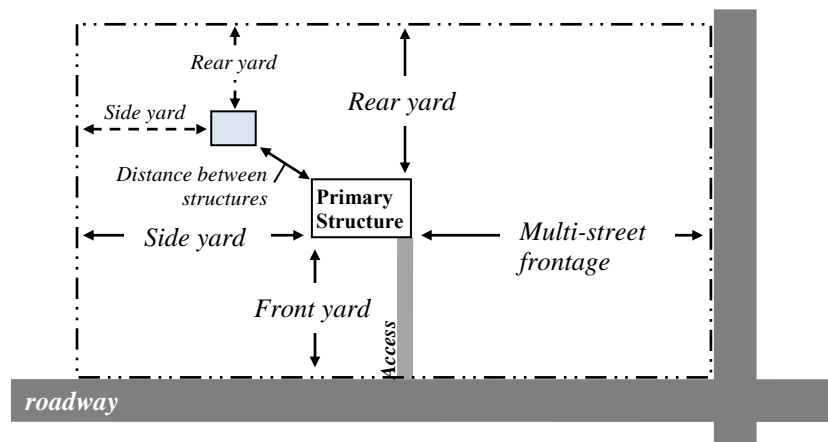
Use Setback Distances (in feet):	Use type: Primary								Accessory		Both	
Base zoning districts:	RU2		RU5		A10		FR40		C		I	
Front yard	30		30		30		50		30		30	
Multi-street frontage	30		30		30		50		30		30	
Side yard	12	5	12	5	12	5	20	5	30 ¹		30 ¹	
Rear yard	30	5	30	5	30	5	30	5	30 ¹		30 ¹	
Structures on same lot	10		10		10		10		10		10	
From the top of a recognized irrigation canal bank to any structure or fence.	16.5		16.5		16.5		16.5		16.5		16.5	
Other Standards:												
Maximum structure height ²	35		35		35		35		40	35	40	35
Minimum lot size	½ acre		½ acre		½ acre		1 acre		½ acre		1 acre	
Maximum density ⁴³	1U/2A		1U/5A		1U/10A ³		1U/40A		2U/A		N/A	
Maximum lot coverage	60%		60%		60%		25%		50%		50%	
Minimum lot frontage	90'		90'		90'		150'		150'		150'	

¹ Setback may be reduced to 15 feet with a conditional use permit if the adjoining parcel is zoned Commercial or Industrial.

² Maximum height for agricultural structures is 45 feet. Also see §17.07.040 General Definitions; Building Height, Maximum.

³ ~~The density standard has an exception for the A10 zone located in subsection 17.10.030 [A] of this chapter.~~

^{4,3} ——— The Land Use Authority shall have the authority to determine the total number of acres eligible for residential density (developable acreage).



17.10.050: Supplemental Standards

A. The following site development standards shall be complied with in all zoning districts:

1. Parking Standards:
 - a. Parking for each use shall conform to chapter 17.22 of this title.
 - b. No required parking shall be permitted in any required setback area.
2. Agricultural Restrictive Covenant:
 - a. Any person who chooses to site a nonagricultural use will be required to record a signed agricultural declaration against their property making it subject to a restrictive covenant in favor of all agricultural uses that may occur within the zone they are presently located or within an adjacent zone.
 - b. The form of the declaration shall be substantially as follows and it may be incorporated verbatim or by reference:
 - i. **AGRICULTURAL DECLARATION:** The property described herein is subject to all adjacent Agricultural Uses allowed within or adjacent to this zone, specifically to the sights, sounds, smells, air quality, water use, animal use, hours of operation, etc., accompanying regular and customary agricultural uses now existing or which may exist in the future in an Agricultural zone. By this Declaration the undersigned, and their successors in interest, hereby waive any claim for nuisance or otherwise arising from regular and customary agricultural operations. Agricultural operations that are consistent with sound agricultural practices are declared reasonable and shall not constitute a nuisance. Agricultural operations that are in conformity with federal, state, and local laws and regulations are presumed to be operating within sound agricultural practices.
3. Water and Sewage Requirements:
 - a. All proposed uses and/or buildings needing the use of water and sewage facilities shall comply with the requirements of the Bear River Health Department, the Utah Department of Environmental Quality, and the Office of the State Water Engineer. These agencies shall be considered the county experts in evaluating the proposed sewage and culinary water supply system.
 - b. No proposed septic system shall be permitted within a zone 1 or zone 2 as defined by the current drinking water source protection plan for any public culinary water system.
4. Setbacks:
 - a. Setbacks and Open Space for One Building Only:

No required setback or other open space around an existing or proposed building complying with the provisions of this title shall be considered as providing a setback or open space for any other building; nor shall any setback or other required open space on an adjoining lot be considered as providing a setback or open space on a lot whereon a building is to be erected or established.
 - b. Floodplain:

Structures built within 100 feet of the floodplain as identified on the current FIRM maps and identified on the County Sensitive Area Map must show a minimum of 1 foot of freeboard above the Base Flood Elevation (BFE).

- c. Measurement of Setback:
 - i. Wherever a front yard is required for a lot facing on a street for which an official map has been recorded in the office of the county recorder, the depth of such front yard shall be measured from the mapped road right of way line provided by the official map.
 - ii. Where an official map has not been recorded, measurements shall be made from the existing right of way line or from the proposed right of way line, as required by this title or indicated in the transportation element of the Cache Countywide Comprehensive Plan or indicated in the CMPO long range transportation plan for the Logan urbanized area.
- d. Exceptions; the area of required setbacks shall be open to the sky and unobstructed, except for the following:
 - i. The ordinary projections of roof eaves, bay windows, window wells, basement access ways, skylights, sills, belt courses, cornices, chimneys, flues, and other ornamental features which project into a setback not more than four feet (4'); provided, however, that there shall remain a minimum of eight feet (8') to side property lines;
 - ii. Uncovered steps leading to the main entrance in the front yard which are no more than four feet (4') in height and do not cause any danger or hazard to traffic by obstructing the clear view of the street or intersection.
- B. Supplemental development standards specific to the Mineral Extraction and Excavation (ME) zoning district are located within Chapter 17.13 of this title.
- C. Supplemental development standards specific to the Resort Recreation (RR) zoning district are located within Chapter 17.14 of this title.
- D. Supplemental development standards regarding sensitive areas for all zoning districts are located within Chapter 17.18 of this title.

17.10.060: Improvement Agreements

Improvement agreements for improvements and/or conditions imposed by ordinance or by a land use authority within Title 17 may be issued in compliance with 16.04.110 and 16.04.120.

