

Cache County is operating at a low risk threat level in response to the Covid-19 pandemic. In conformance with low risk guidelines, no more than 50 people will be allowed in the Council Chambers at one time and social distancing practices will be implemented. Face coverings are recommended.

5:30 p.m.

Call to order

Opening remarks/Pledge – Brandon Spackman

Review and approval of agenda

Review and approval of the minutes of the 4 June 2020 meeting

5:35 p.m.

Consent Items

- 1. Rogers Lot Split Subdivision 1st Amendment** – A request to amend the boundary between Lots 1 & 2 of the existing 2-lot subdivision located at 1721 West 4200 North, Benson, in the Agricultural (A10) Zone.
- 2. Cherry Creek Ridge Subdivision – Lot 3 Amendment** – A request to amend the boundary of Lot 3 of the existing 7-lot subdivision due to a previous surveying error on the approved subdivision plat. The property is located at 11341 North 2000 East, Richmond, in the Agricultural (A10) Zone.

Regular Action Items

- 3. Cache County Humane Society Subdivision 1st Amendment** – A request to expand the boundary of the existing subdivision, increase the area of Lot 1, and create an Agricultural Remainder on approximately 22 acres located at 2370 West 200 North, Logan, in the Commercial (C) and Agricultural (A10) Zones.
- 4. West Canyon Ranch Processing Conditional Use Permit – *continued*** – A request to operate an agritourism facility with a meat processing facility on 3,372 acres located at approximately 215 West Canyon Road, Avon, in the Forest Recreation (FR40) and Agricultural (A10) Zones.
- 5. Shawn Cronquist Conditional Use Permit** – A request to operate an excavation and extraction operation on two parcels totaling 178.2 acres located at 1929 Canyon Road, Smithfield, in the Agricultural (A10) Zone.
- 6. Whisper Ridge Conditional Use Permit Revocation Review Update** – An update on the revocation review of the Whisper Ridge Conditional Use Permit (CUP) to determine if sufficient progress has been made to bring the existing CUP into compliance or if conditions exist to revoke the permit.

Board Member Reports

Staff reports

Adjourn

PUBLIC PARTICIPATION GUIDE: PLANNING COMMISSION

This document is intended to guide citizens who would like to participate in a public meeting by providing information about how to effectively express your opinion on a particular matter and the general powers and limitations of the Planning Commission.

WHEN SPEAKING ON AN AGENDA ITEM

Once the Commission opens the public hearing or invites the public to comment on a public meeting agenda item, approach the podium to comment. Comments are limited to 3 minutes per person, unless extended by the Chair of the Planning Commission.

When it is your turn to speak:

1. State your name and address and the organization you represent, if applicable.
 2. Indicate whether you are for or against the proposal.
 3. Make your statement.
 - a. Include all pertinent facts within your knowledge;
 - b. Avoid gossip, emotion, and repetition;
 - c. Comments should be addressed to the Commission and not to individuals in the audience; the Commission will not allow discussion of complaints directed at specific individuals;
 - d. A clear, concise argument should focus on those matters related to the proposal with the facts directly tied to the decision you wish the Commission to make without repeating yourself or others who have spoken prior to your statement.
-

LEGISLATIVE (PUBLIC HEARING) VS. ADMINISTRATIVE (PUBLIC MEETING) FUNCTIONS

The Planning Commission has two roles: as a recommending body for items that proceed to the County Council for final action (legislative) and as a land use authority for other items that do not proceed to the County Council (administrative).

When acting in their legislative capacity, the Planning Commission has broad discretion in what their recommendation to the County Council will be and conducts a public hearing to listen to the public's opinion on the request before forwarding the item to the County Council for the final decision. Applications in this category include: Rezones & Ordinance Amendments.

When acting in their administrative capacity, the Planning Commission has little discretion and must determine whether or not the landowner's application complies with the County Code. If the application complies with the Code, the Commission must approve it regardless of their personal opinions. The Commission considers these applications during a public meeting and can decide whether to invite comment from the public, but, since it is an administrative action not a legislative one, they are not required to open it to public comment. Applications in this category include: Conditional Use Permits, Subdivisions, & Subdivision Amendments.

LIMITS OF JURISDICTION

The Planning Commission reviews land use applications for compliance with the ordinances of the County Land Use Code. Issues related to water quality, air quality, and the like are within the jurisdiction of the State and Federal government. The Commission does not have authority to alter, change, or otherwise act on issues outside of the County Land Use Code.



PLANNING COMMISSION MINUTES

4 June 2020

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1 **Present:** Chris Harrild, Angie Zetterquist, Phillip Olsen, Lane Parker, Brady Christiansen, Nolan
2 Gunnell, Chris Sands, Brandon Spackman, Jason Watterson, John Luthy, Megan Izatt

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

4 **Gunnell** called the meeting to order and **Parker** gave the opening remarks.

5 **05:33:00**

6 **Agenda**

7 No changes

8 **05:34:00**

9 **Minutes**

10 *Christensen* motioned to approve the minutes from May 7, 2020; *Watterson* seconded; **Passed 6, 0.**

11 **05:34:00**

12 **Consent Agenda**

13 **1. Kurtis E. Falslev Conditional Use Permit – Request for Extension**

14 **2. Cache County North Facility CUP Condition Update**

15 **05:35:00**

16 **Olsen** arrived.

17 *Watterson* motioned to approve the consent agenda items; *Sands* seconded; **Passed 7, 0.**

18 **05:35:00**

19 **Regular Agenda**

20 **3. West Canyon Ranch Processing Conditional Use Permit - continued**

21 **Luthy** reviewed the legal analysis for the West Canyon Ranch Processing conditional use permit (CUP)
22 and the Cache County Agritourism Code. Domesticated elk hunting is an agricultural use and is the
23 primary use of the land; it can also be defined as agritourism. Meat processing can be agritourism as long
24 as it is a small processing plant and is secondary to the primary use. As far as a meat processing facility
25 qualifying as an agricultural structure that may be built on an agricultural remainder, the agricultural
26 remainder restriction can be lifted by the Planning Commission.

27 **Staff** and **Commission** discussed if the facility is regulated by the USDA, allowing a processing facility
28 on an agricultural remainder, small scale operation and what qualifies as small scale. The time frame of
29 when the hunting and processing would occur was discussed.

1 **Staff** and **Commission** discussed if the processing could be considered agricultural manufacturing,
2 building a structure on an agricultural remainder, and requiring the applicant to do a subdivision
3 amendment to build the structure. The bridge on West Canyon Road and the road itself were discussed.

4 **Luthy** informed the **Commission** that agricultural manufacturing and agricultural tourism can overlap
5 but it has to be small scale agritourism.

6 **Jason Summers** stated the processing needs to be onsite. The main operation of the ranch is ranching.
7 Hunting is a secondary to the ranching.

8 **Harrild** informed the **Commission** that agricultural manufacturing is not allowed in the FR40 and would
9 require a zoning change.

10 **Mr. Summers** stated there is oversight from the Utah Department of Agricultural.

11 **Watterson** asked the number of elk that would be processed.

12 **Mr. Summers** stated 30-50 elk.

13 **Sands** stated that would most likely become a condition.

14 **Mr. Summers** responded he would prefer the condition be done as a time frame instead of a number of
15 animals.

16 **Sands** stated the number of animals is something that could be brought back before the Commission to
17 be changed if needed.

18 **Mr. Summers** commented that onsite processing would also make the number of trips up and down the
19 road less because they won't need to leave the land to process the meat.

20 **Parker** asked where the offal stored and how is it removed.

21 **Mr. Summers** stated all the offal has to be bagged and put into a dumpster to be removed.

22 **Zetterquist** asked if there are day trippers that come to the operation.

23 **Mr. Summers** responded typically people book for 2-3 days for elk hunt. There is some day hunting for
24 birds but most hunters stay on site overnight.

25 **Gunnell** asked if every hunter uses the facility.

26 **Mr. Summers** stated some of the hunters put the carcass in a cooler to take home and cut up. There will
27 be a walk-in cooler for the carcasses, a room for cutting it up, and a cooler.

28 **Spackman** asked if there is a limit on the number of animals that can be hunted.

29 **Mr. Summers** stated their business model is small hunting parties.

30 **Spackman** asked if they could possibly shoot 100 animals in a day.

1 **Mr. Summers** stated in theory they could but that is not the business model. Currently there are 60-70
2 hunters booked for this year.

3 **Sands** commented that is not a lot of trips.

4 **Mr. Summers** stated their business model is small hunting trips that include privacy and being able to
5 hunt.

6 **Robert McConnell** commented on the building meeting the code and on the court case referenced by Mr.
7 Luthy in his legal review. If the hunting was not happening on the land there would be no need for the
8 meat processing facility and that makes it an expressly authorized use. Mr. McConnell also commented
9 on parking, the road, and small scale operation.

10 **Luthy** stated the real crux of the issue is the agricultural remainder and if it qualifies as a structure. For it
11 to qualify as an agricultural structure it needs to be an incidental use to the primary use.

12 **Commission** discussed if the elk hunting qualifies as agriculture and, if so, does the processing qualify as
13 an incidental use.

14 **Zetterquist** reviewed agricultural remainders.

15 **Commission** discussed the agricultural remainder and possibly setting a precedent by not requiring a
16 subdivision amendment.

17 **Mr. Summers** pointed out on the parcel map the location for the proposed processing facility and
18 reviewed the history of the property.

19 **Sands** commented that an easy solution would be a subdivision amendment to either make a bigger lot 1
20 or create another buildable lot.

21 **Harrild** informed the **Commission** what doing a subdivision amendment would require if another lot
22 was created.

23 **Mr. Summers** informed the **Commission** that Lot 1 is not included in the CUP and he does not want to
24 include it in the CUP.

25 **Commissioners** discussed the possibility of a zone change and the impacts of that.

26 **Luthy** informed the **Commission** that whether or not this is small scale is the commission's discretion.
27 Whether or not this is incidental to elk hunting, that is a legal question that the commission doesn't have
28 discretion on.

29 **Mr. McConnell** asked if a subdivision plat amendment is a legislative decision or administrative?

30 **Harrild** stated administrative.

31 **Mr. McConnell** asked that the commission make a decision based on what is before them tonight.

1 **Christensen** motioned to continue the West Canyon Ranch Processing Conditional Use Permit to the July
2 meeting in the direction of this operation being defined as Agritourism, that processing of the elk is
3 incidental to the domestic elk hunting use, that is a meat processing facility has been determined to be a
4 small scale operation per the Agritourism definition, and the meat processing facility is an agricultural
5 structure allowed on an agricultural remainder. **Watterson** seconded; **Passed 7, 0.**

6 **07:06:00**

7 **4. Swift Beef Company Conditional Use Permit Amendment**

8 **Zetterquist** reviewed the staff report for the Swift Beef Company Conditional Use Permit (CUP)
9 Amendment.

10 **Staff** and **Commissioners** discussed waste and the existing onsite process.

11 **Sands** motioned to approve the Swift Beef Company Conditional Use Permit Amendment based on the
12 findings of fact with the stated conditions and conclusions; **Parker** seconded; **Passed 7, 0.**

13 **07:10:00**

14 **5. Gibbons Green Gate Farm Conditional Use Permit**

15 **Zetterquist** reviewed the staff report for the Gibbons Green Gate Farm Conditional Use Permit (CUP).

16 **Staff** and **Commissioners** discussed parking.

17 **Jared Gibbons** commented on parking, water, septic and stated that they are waiting to see which
18 conditions will be required to determine if continuing the operation is financially feasible. Improving the
19 roads is not financially feasible.

20 **Christensen** asked if Mr. Gibbons has talked to the County about access.

21 **Mr. J. Gibbons** responded no.

22 **Tom Gibbons** commented on access.

23 **Mr. J. Gibbons** commented on off street parking, health inspections, public welfare requirements for
24 agritourism, and how some of the conditions are not economically feasible.

25 **Andrea Collinsworth** commented in support and how changing parking and roads takes away the charm.

26 **Megan Maples** commented in support of the business and on the proposed traffic light being added to
27 4600 north and how that will increase traffic more than this business.

28 **Kathleen Capels** commented in support of the business, on the road, and how requiring lighting could
29 create light pollution for the area.

30 **Ben Harker** commented as a representative of the Health Department and that the current septic system
31 is adequate. He also commented in support of the business as a community member.

1 **Matt Phillips** commented as the public works director on the road and that the requirements are minor
2 safety improvements to the shoulders and access to the property and for fire access.

3 **Mr. T. Gibbons** commented on water drainage and how there is no shoulder on 800 west because of the
4 drainage ditch.

5 **Louise Griffiths Johnson** commented in support of the business.

6 **Luthy** commented that the county has to follow its own laws and minimum road standards improvement
7 costs have to be borne by the property owner.

8 **Staff** and **Commissioners** asked about requiring the property owner to bring the road to standard.

9 **07:54:00**

10 ***Watterson** motioned to extend the meeting until 8:20 pm; **Olsen** seconded; **Passed 7, 0.***

11 **Commissioners** encouraged the applicant to talk with staff about what is required.

12 **Mr. J. Gibbons** stated that they have tried to work with staff and have received no response from the
13 staff for inspections and other items.

14 **Harrild** commented that staff has worked with the applicant for 4 years and is willing to try and make
15 the conditions function.

16 ***Parker** motioned to approve the Gibbons Green Gate Farm Conditional Use Permit based on the
17 findings of fact with the conditions and conclusions as stated; **Watterson** seconded; **Passed 7, 0.***

18 **08:02:00**

19 **6. Whisper Ridge Conditional Use Permit Revocation Review Update**

20 **Jason Rickards** updated the Commission on the Whisper Ridge CUP.

21 ***Watterson** motioned to continue the Whisper Ridge Conditional Use Permit Revocation Review Update
22 to the July 9, 2020 meeting; **Spackman** seconded; **Passed 7, 0.***

23 **08:06:00**

24 **7. Jay R's Auto and Salvage Conditional Use Permit Revocation Review Update**

25 **Zetterquist** informed the Commission that there is no update because staff has not heard anything from
26 the owner or the agent of the person wanting to buy the property.

27 **Staff** and **Commission** discussed enforcement and how that happens.

28 ***Parker** motioned to revoke the Jay R's Auto and Salvage Conditional Use Permit based on the findings
29 and conclusions identified in the staff report; **Sands** seconded; **Passed 7, 0.***

1 **Harrild** stated the County is continuing to clean up the Conditional Use Permits and there could be more
2 revocations coming forward in the future.

3 **Staff** and **Commission** discussed how information is given to the Commission from staff for
4 applications.

5 **Parker** motioned to continue the meeting until 8:30; **Spackman** seconded; **Passed 7, 0**

6 **Phillips** reviewed road information for the commission and why requirements for what property owners
7 need to do for road improvements are important.

8 **Staff** and **Commissioners** discussed requiring property owners to meet County code requirements for
9 road improvements and impact uses.

10 **Luthy** informed the Commission that the County resolution regarding roads has pending litigation. The
11 County Council is likely to remove that resolution and take other measures regarding road improvements,
12 funding, and maintaining those improvements.

13 **Staff** and **Commissioners** discussed how to minimize missed opportunities for road improvements based
14 on impacts and gathering information on the current roads. While some of the conditions regarding roads
15 can be burdensome, the County needs to try and enforce those conditions to help make the roads safer
16 and easier to maintain.

17 **08:44:00**

18 **Adjourned**

Staff Report: Rogers Lot Split Subdivision 1st Amendment

9 July 2020

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: Bryan Rogers

Parcel ID#: 04-021-0011, -0014

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

Project Location

Reviewed by Angie Zetterquist

Project Address:

1685 West 4200 North
Benson

Current Zoning:

Agricultural (A10)

Acres: 18.3

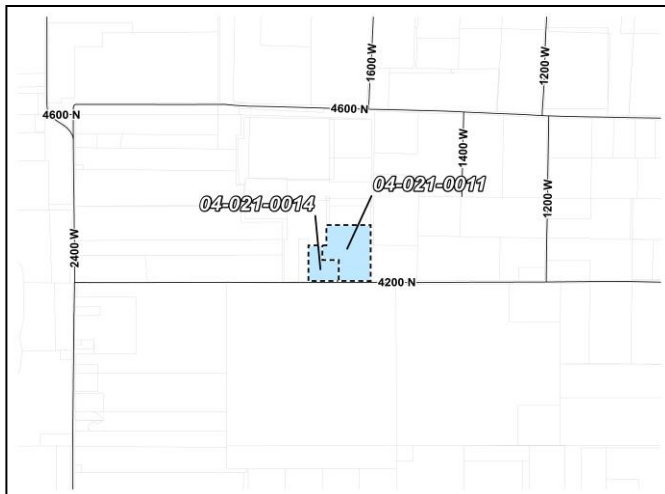
Surrounding Uses:

North – Agricultural

South –Agricultural

East – Agricultural

West – Agricultural/Residential



Findings of Fact (20)

A. Request description

1. The Rogers Lot Split Subdivision 1st Amendment is a request to adjust the boundary lines between Lot 1 and Lot 2 of an existing subdivision. The subdivision amendment will increase Lot 1 from 1.00 acre to 4.9 acres and decrease Lot 2 from 17.35 acres to 13.45 acres.

B. Parcel legality

2. The original subdivision was approved in June 2006 as a 2-lot subdivision. A boundary line adjustment was done through the Recorder's Office in February 2020 that reflects the current subdivision amendment request. However, since the adjustment was made without Land Use

Authority approval, both parcels are considered restricted. This subdivision amendment will remove the restricted status of the two properties.

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 water right is in place for the existing dwelling. As no new lots are being created as part of the subdivision amendment, a new domestic, approved water right is not 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.
6. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit is required for any future development. *See condition #1*

E. Access

7. §16.04.010 [C] Subdivision Layout – Whenever a tract to be subdivided adjoins or embraces any part of an existing road as claimed by the County...such part of the public way shall be platted and dedicated to the County. *See condition #2*
8. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
9. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
10. §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.
11. The Road Manual specifies the following:
 - a. §2.1-A-4 Rural Road, Table 2.2 - Roadway Typical Sections: Roads with up to 30 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and low volumes. This category provides access to farms, other agricultural uses, and dispersed rural residences. Gravel or chip & seal road surfacing is typically acceptable.
 - b. Table 2.2 Roadway Typical Sections: Rural roads must meet the minimum standards of a 66-foot-wide right-of-way, two 10-foot-wide gravel travel lanes and 2-foot shoulders on either side of the travel lanes 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.
12. A basic review of the access to the existing subdivision identifies the following:
 - a. Primary access to the Rogers Lot Split Subdivision is from 4200 North, a county road.
 - b. 4200 North:
 - i. Is an existing county facility that provides access to the general public.
 - ii. Currently provides access to multiple dwellings, vacant lots, and agricultural parcels.
 - iii. Is classified as a Rural Road at the location of the subject subdivision.
 - iv. Consists of an average 19-foot wide paved road with 1.5-foot gravel shoulders.

- v. Subdivision amendments where no new lots are created are considered to be grandfathered and are not required to meet the roadway standards. However, development still need to meet minimum safety standards.
- vi. The road dedication of 33 feet from center line of the road is required as the existing ROW dedication is currently 25 feet wide. *See condition #2*
- vii. Is maintained year round.

F. Service Provision

- 13. §16.04.080 [C] Fire Control – The County Fire District did not have any concerns with the subdivision amendment request. Any future development on the property must be reevaluated and may require improvements based on the location of the proposed access and development.
- 14. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental had no comments on the proposed subdivision amendment.

G. Sensitive Areas

- 15. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
 - a. The subdivision is 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 #3*
 - b. Wetlands are located within the subdivision. No development is allowed in wetland areas without approval of a wetland delineation from the Army Corps of Engineers. *See condition #4*
 - c. Other sensitive areas identified within the subdivision boundary include liquefaction potential, moderate slopes, and wildfire hazard areas. Any future development in these or other known sensitive areas may require further analysis. *See condition #5*

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

- 16. Public notice was posted online to the Utah Public Notice Website on 24 June 2020.
- 17. Notice was published in the Herald Journal on 27 June 2020.
- 18. Notices were posted in three public places on 24 June 2020.
- 19. Notices were mailed to all property owners within 300 feet of the subject property on 26 June 2020.
- 20. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

Conditions (5)

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 subdivision plat must be revised to include the full road dedication required for the subdivision frontage along 4200 North. (*See E-12-b-vi*)
- 3. The applicant must disclose to future property owners that the subdivision is located within the Airport Influence Area. (*See G-15-a*)
- 4. Development is not permitted in wetland areas without approval of the Army Corps of Engineers. Prior to any future development in wetland areas, the applicant must obtain approval of a wetland delineation study and provide Development Services staff a copy and any required permitting as part of a zoning clearance application. (*See G-15-b*)
- 5. Further analysis may be required prior to future development in sensitive areas. (*See G-15-c*)

Conclusions (1)

Based on the findings of fact and conditions noted herein, staff recommends approval of the Rogers Lot Split Subdivision 1st Amendment as:

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

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

	1990-1991	1991-1992	1992-1993	1993-1994	1994-1995	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029	2029-2030	2030-2031	2031-2032	2032-2033	2033-2034	2034-2035	2035-2036	2036-2037	2037-2038	2038-2039	2039-2040	2040-2041	2041-2042	2042-2043	2043-2044	2044-2045	2045-2046	2046-2047	2047-2048	2048-2049	2049-2050	2050-2051	2051-2052	2052-2053	2053-2054	2054-2055	2055-2056	2056-2057	2057-2058	2058-2059	2059-2060	2060-2061	2061-2062	2062-2063	2063-2064	2064-2065	2065-2066	2066-2067	2067-2068	2068-2069	2069-2070	2070-2071	2071-2072	2072-2073	2073-2074	2074-2075	2075-2076	2076-2077	2077-2078	2078-2079	2079-2080	2080-2081	2081-2082	2082-2083	2083-2084	2084-2085	2085-2086	2086-2087	2087-2088	2088-2089	2089-2090	2090-2091	2091-2092	2092-2093	2093-2094	2094-2095	2095-2096	2096-2097	2097-2098	2098-2099	2099-2100	2100-2101	2101-2102	2102-2103	2103-2104	2104-2105	2105-2106	2106-2107	2107-2108	2108-2109	2109-2110	2110-2111	2111-2112	2112-2113	2113-2114	2114-2115	2115-2116	2116-2117	2117-2118	2118-2119	2119-2120	2120-2121	2121-2122	2122-2123	2123-2124	2124-2125	2125-2126	2126-2127	2127-2128	2128-2129	2129-2130	2130-2131	2131-2132	2132-2133	2133-2134	2134-2135	2135-2136	2136-2137	2137-2138	2138-2139	2139-2140	2140-2141	2141-2142	2142-2143	2143-2144	2144-2145	2145-2146	2146-2147	2147-2148	2148-2149	2149-2150	2150-2151	2151-2152	2152-2153	2153-2154	2154-2155	2155-2156	2156-2157	2157-2158	2158-2159	2159-2160	2160-2161	2161-2162	2162-2163	2163-2164	2164-2165	2165-2166	2166-2167	2167-2168	2168-2169	2169-2170	2170-2171	2171-2172	2172-2173	2173-2174	2174-2175	2175-2176	2176-2177	2177-2178	2178-2179	2179-2180	2180-2181	2181-2182	2182-2183	2183-2184	2184-2185	2185-2186	2186-2187	2187-2188	2188-2189	2189-2190	2190-2191	2191-2192	2192-2193	2193-2194	2194-2195	2195-2196	2196-2197	2197-2198	2198-2199	2199-2200	2200-2201	2201-2202	2202-2203	2203-2204	2204-2205	2205-2206	2206-2207	2207-2208	2208-2209	2209-2210	2210-2211	2211-2212	2212-2213	2213-2214	2214-2215	2215-2216	2216-2217	2217-2218	2218-2219	2219-2220	2220-2221	2221-2222	2222-2223	2223-2224	2224-2225	2225-2226	2226-2227	2227-2228	2228-2229	2229-2230	2230-2231	2231-2232	2232-2233	2233-2234	2234-2235	2235-2236	2236-2237	2237-2238	2238-2239	2239-2240	2240-2241	2241-2242	2242-2243	2243-2244	2244-2245	2245-2246	2246-2247	2247-2248	2248-2249	2249-2250	2250-2251	2251-2252	2252-2253	2253-2254	2254-2255	2255-2256	2256-2257	2257-2258	2258-2259	2259-2260	2260-2261	2261-2262
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PROPERTY LINE
ADJACENT LOT LINE
SECTION CORNER
SET 5% REBAR W/CAP

LAND SURVEYING
2005 North 600 West, Suite B
Logan, Utah 84321
(435) 753-1910 Office
(435) 755-3213 Fax

Project No. 20-084
Amendment Prepared by JH, 5/11/20

KONSHIGT
5152661

FORESIGHT

Staff Report: Cherry Creek Ridge Subdivision Lot 3 Amendment

9 July 2020

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: Lane Gardiner

Parcel ID#: 09-044-0043

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

Project Location

Reviewed by Angie Zetterquist

Project Address:

11341 North 2000 East
Richmond

Current Zoning:

Agricultural (A10)

Acres: 8.46

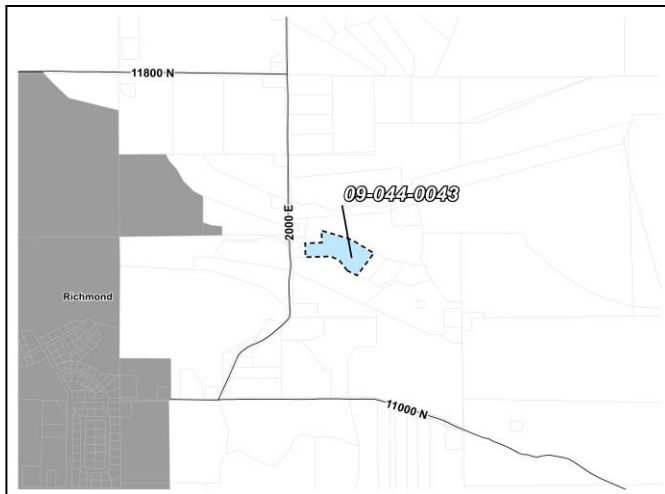
Surrounding Uses:

North – Agricultural/Residential

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential/Water Tank



Findings of Fact (19)

A. Request description

1. The Cherry Creek Ridge Subdivision Lot 3 Amendment is a request to amend the boundary of Lot 3 of the existing 8-lot subdivision due to a previous surveying error on the approved subdivision plat. The Lot 3 amendment will reduce Lot 3 from 9.38 acres to 8.46 acres and remove parcel #09-044-0011 from the subdivision, which had erroneously been included as part of Lot 3.

B. Parcel legality

2. The original subdivision was approved in November 1997 as an 8-lot subdivision. A subdivision amendment was approved in August 2008 to adjust the boundary between Lots 7 & 8. Both

subdivision plats showed Lot 3 as being 9.38 acres and extending west to the county road. However, the Recorder's plats shows that parcel #09-044-0011, a 0.85 acre property owned by the Cherry Creek Water Company and occupied by a large water tank, existed prior to the subdivision approvals and was never merged with Lot 3. The error on the subdivision plat was not discovered by the Development Services Department until the applicant recently came to the office seeking approval of a zoning clearance to build a new single-family dwelling; no structures had been built on the property since the subdivision was approved. This subdivision amendment will remove the restricted status of Lot 3, as it did not conform to the approved subdivision plat, and allow the applicant to move forward with permitting and construction.

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 culinary water right is in place for the proposed dwelling (Water Right #25-9870/a-21306).
5. §16.04.080 [B] Sewage Requirements – The applicant has provided a copy of a septic permit issued by the Bear River Health Department on April 23, 2020 for the subject property.
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-4 Rural Road, Table 2.2 - Roadway Typical Sections: Roads with up to 30 Average Daily Traffic (ADT). This includes roadways that have the capacity for moderate to low speeds and low volumes. This category provides access to farms, other agricultural uses, and dispersed rural residences. Gravel or chip & seal road surfacing is typically acceptable.
 - b. Table 2.2 Roadway Typical Sections: Rural roads must meet the minimum standards of a 66-foot-wide right-of-way, two 10-foot-wide gravel travel lanes and 2-foot shoulders on either side of the travel lanes 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.
11. A basic review of the access to the existing subdivision identifies the following:
 - a. Primary access to the Cherry Creek Ridge Subdivision is from 2000 East, a county road, and secondary access is from a private driveway.
 - b. 2000 East:
 - i. Is an existing county facility that provides access to the general public.
 - ii. Currently provides access to multiple dwellings, vacant lots, and agricultural parcels.

- iii. Is classified as a Rural Road at the location of the subject subdivision.
- iv. Subdivision amendments where no new lots are created are considered to be grandfathered and are not required to meet the roadway standards. However, development still need to meet minimum safety standards.
- v. Is maintained year round.
- c. Private driveway:
 - i. Is a private driveway that provides access to six lots within the subdivision.
 - ii. Consists of a 15-foot wide gravel road, with no shoulders. The minimum width requirement for a private driveway is 20 feet and was a condition of approval for the original subdivision. *See condition #2*
 - iii. Has a right-of-way of 50 feet, less than the 66 feet currently required per the Road Manual. However, as the original subdivision was approved with the 50-foot right-of-way, it is considered grandfathered and does not need to be expanded as part of this request.

F. Service Provision

- 12. §16.04.080 [C] Fire Control – The County Fire District did not have any concerns with the subdivision amendment request. Any future development on the property must be reevaluated and may require improvements based on the location of the proposed access and development.
- 13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental had no comments on the proposed subdivision amendment.

G. Sensitive Areas

- 14. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
 - a. According to the GIS data, there is a potential fault line that runs through Lot 3. A geotechnical report is required as specified under §17.18. The report must be provided to the County Engineer for review and approval prior to the issuance of a Zoning Clearance. *See condition #3*

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

- 15. Public notice was posted online to the Utah Public Notice Website on 24 June 2020.
- 16. Notice was published in the Herald Journal on 27 June 2020.
- 17. Notices were posted in three public places on 24 June 2020.
- 18. Notices were mailed to all property owners within 300 feet of the subject property on 26 June 2020.
- 19. 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:

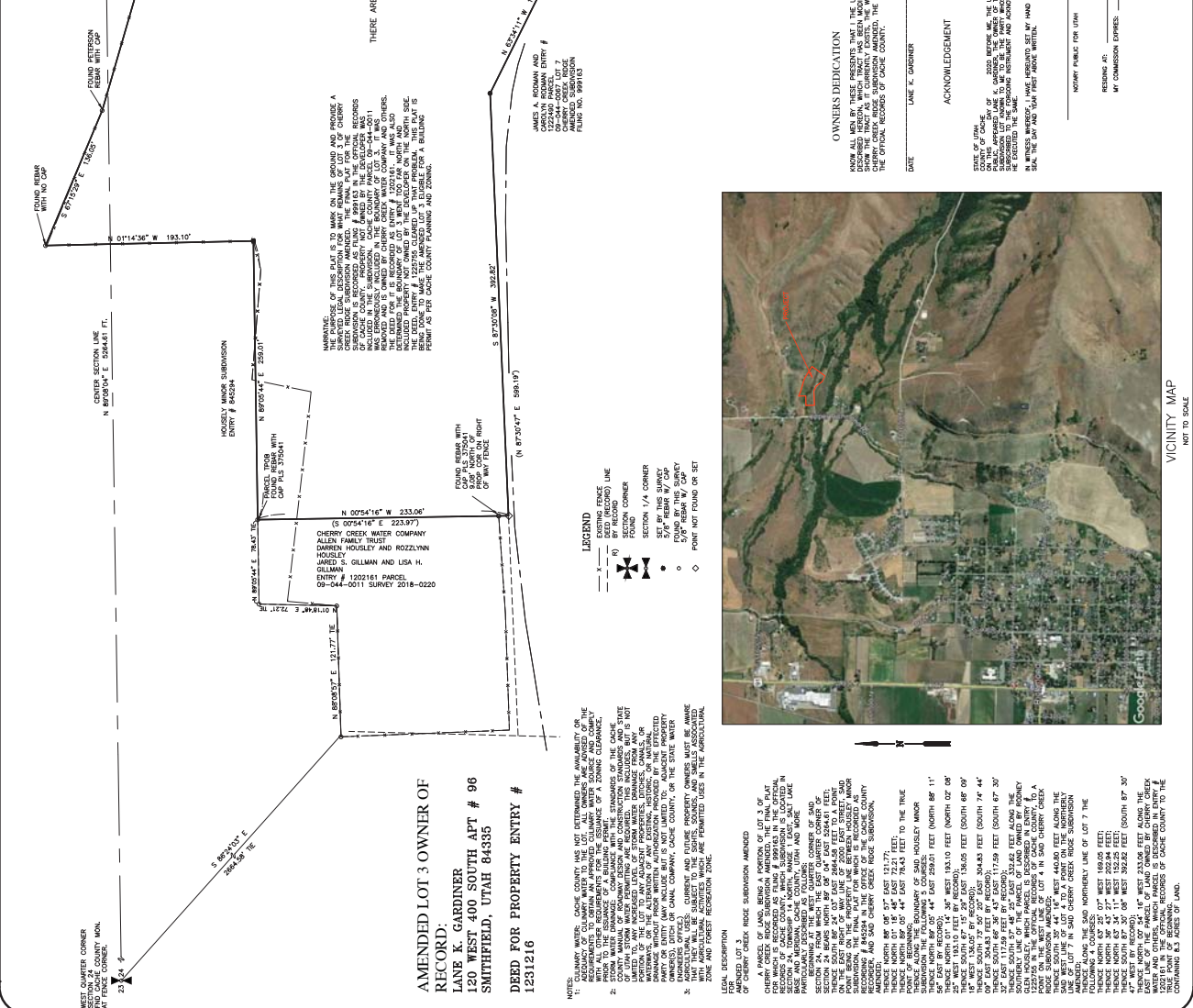
- 1. A Land Disturbance Permit is required for any future development. (*See D-6*)
- 2. Prior to the issuance of a zoning clearance, and with the review and approval of the Public Works Director, the applicant must make improvements to the private driveway to meet the minimum 20-foot width as established as a condition of the original subdivision. (*See E-11-c-ii*)
- 3. Prior to the issuance of a zoning clearance, the applicant must submit a geotechnical report from a professional licensed in Utah to the County Engineer for review and approval if a fault line is confirmed on Lot 3. (*See G-14*)

Conclusions (1)

Based on the findings of fact and conditions noted herein, staff recommends approval of the Cherry Creek Ridge Subdivision Lot 3 Amendment as:

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

PLAT OF AMENDED LOT 3
CHERRY CREEK RIDGE SUBDIVISION
SECTION 24, TOWNSHIP 14 NORTH,
RANGE 1 EAST, SALT LAKE BASE AND
MERIDIAN, CACHE COUNTY, UTAH



LAND SURVEYORS A.A. HUDSON AND ASSOCIATES 132 SOUTH STATE PRESTON, IDAHO 83263 (208)852-1155		SUBDIVISION PLAT FOR AMENDED LOT 3 FOR CHERRY CREEK RIDGE SUBDIVISION SECTION 24, T. 14 N. R. 1 E. S. 24M CACHE COUNTY, UTAH REVISIONS 1 2 3 PROJECT NO. 20118 COMPLETION DATE: JUNE 2020		SURVEYOR'S CERTIFICATE I, TIMOTHY LYNN CHRISTENSEN DO HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR IN THE STATE OF UTAH. I HOLD CERTIFICATE NUMBER 375041 AND THAT BY THE AUTHORITY OF THE OWNERS OF THIS PROPERTY I HAVE CAUSED A SURVEY TO BE MADE AS SHOWN AND DESCRIBED ON THIS PLAT. DATE TIMOTHY LYNN CHRISTENSEN		RECORDER'S CERTIFICATE INSTRUMENT NO. _____ DATE _____ TIME _____ RECORD OF SURVEY NO. _____ REQUESTED BY _____ RECORDED BY _____ FEE _____	
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Staff Report: Cache County Humane Society Subdivision 1st Amendment 9 July 2020

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

Agent: John Drew

Parcel ID#: 05-057-0008, 05-059-0002

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

Project Location

Reviewed by Angie Zetterquist

Project Address:

2370 West 200 North

Logan

Current Zoning:

Acres: ~22

Agricultural (A10), Commercial (C)

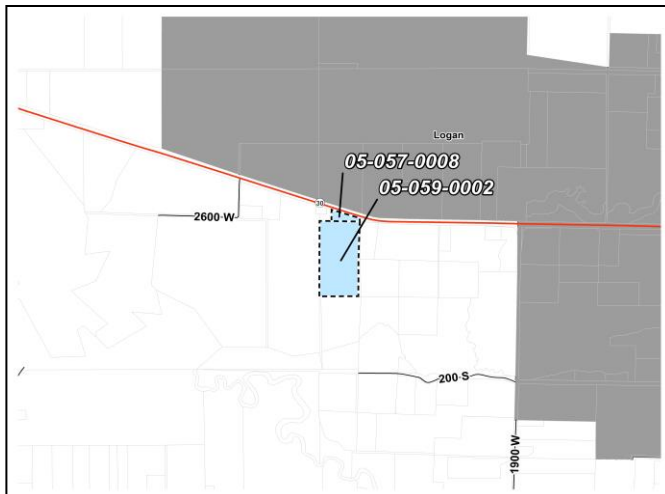
Surrounding Uses:

North – Hwy 30/Logan City

South –Agricultural

East – Agricultural

West – Agricultural



Findings of Fact (20)

A. Request description

1. The Cache County Humane Society Subdivision 1st Amendment is a request to expand the boundary of the existing subdivision, increase the area of Lot 2, and create an Agricultural Remainder. Lot 2 will increase from 1.42 acres to 3.6 acres, the new Agricultural Remainder will be 17.7 acres, and there are no changes to Lot 1.

B. Parcel legality

2. The original subdivision was approved in May 2001 as a lot split; the properties had been divided without Land Use Authority and the lot split subdivision removed the restrictions. Also, in May 2001, a Conditional Use Permit (CUP) was approved to convert the existing single-family

dwelling into an office and treatment center for a non-profit animal shelter. In June 2013, a rezone was approved to change Lot 2 (1.42 acres) from the Agricultural (A10) Zone to the Commercial (C) Zone. The rezone allowed the applicant to apply for and receive approval of an amended CUP to expand the use and add a storage shed. In the Letter of Intent from the amended CUP, the applicant also discussed the lease of 10 acres from Logan City for a dog park and emergency preparedness site. This subdivision amendment will move some of that leased area from Logan City into the boundary of Lot 2.

3. The requested subdivision amendment will also create a split zone on amended Lot 2 with both Agricultural (A10) and Commercial (C) Zones. With the recordation of this amended subdivision plat, the more restrictive A10 Zone development requirements and schedule of uses will be applied and result in the current approved uses per the June 2001 and July 2013 CUPs as being legal, non-conforming. Any future expansion or development of amended Lot 2 will require approval of a rezone and an amended CUP. *See condition #1*

C. Authority

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

D. Culinary water, septic system, and storm water

5. §16.04.080 [A] Water Requirements – A water right is in place for the existing use and structure. As no new lots are being created as part of the subdivision amendment, a new water right is not required.
6. §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.
7. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit is required for any future development. *See condition #2*

E. Access

8. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
9. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
10. §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.
11. A basic review of the access to the existing subdivision identifies the following:
 - a. Primary access to the Cache County Humane Society Subdivision is from Highway 30, a UDOT facility.
 - b. Highway 30:
 - i. Is an existing UDOT facility that provides access to the general public and is under the jurisdiction of UDOT. *See condition #3*
 - ii. Is maintained year round.

F. Service Provision

12. §16.04.080 [C] Fire Control – The County Fire District did not have any concerns with the subdivision amendment request. Any future development on the property must be reevaluated and may require improvements based on the location of the proposed access and development.

13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental had no comments on the proposed subdivision amendment.

G. Sensitive Areas

14. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
a. A review of the GIS data does not indicate the presence of any sensitive areas.

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

15. Public notice was posted online to the Utah Public Notice Website on 24 June 2020.
16. Notice was published in the Herald Journal on 27 June 2020.
17. Notices were posted in three public places on 24 June 2020.
18. Notices were mailed to all property owners within 300 feet of the subject property on 26 June 2020.
19. As a property owner, Logan City was also noticed.
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. Prior to future development or expansion of the use, the applicant must apply for and receive approval of a rezone to the Commercial (C) Zone for parcel #05-057-0008 and approval of an amended Conditional Use Permit. (*See B-3*)
2. A Land Disturbance Permit is required for any future development. (*See D-6*)
3. Prior to recordation, the applicant must meet with UDOT as part of their Cache Access Management Program (CAMP) to discuss any access issues or improvements that may be required. A copy of the UDOT review and any required permitting must be provided to the Department of Development Services and any access improvements must be completed prior to recording the amended subdivision plat. (*See E-11-b*)

Conclusions (1)

Based on the findings of fact and conditions noted herein, staff recommends approval of the Cache County Humane Society Subdivision 1st Amendment as:

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

Staff Report: West Canyon Ranch Processing CUP

9 July 2020

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: Approve with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

Parcel ID#: 16-039-0001, 16-041-0001

16-042-0001, 16-043-0001, 16-044-0001

16-045-0001, 10-05-0001

Location

Reviewed by Angie Zetterquist

Project Address:

215 West Canyon Road

Avon

Current Zoning:

Acres: 3,372

Forest Recreation (FR40) & Agricultural (A10)

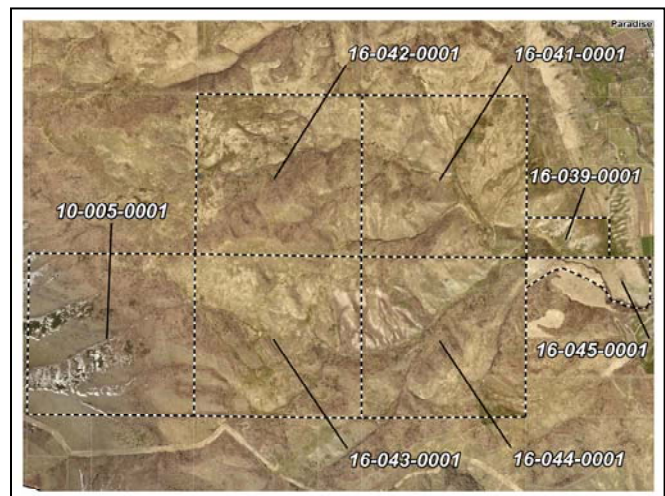
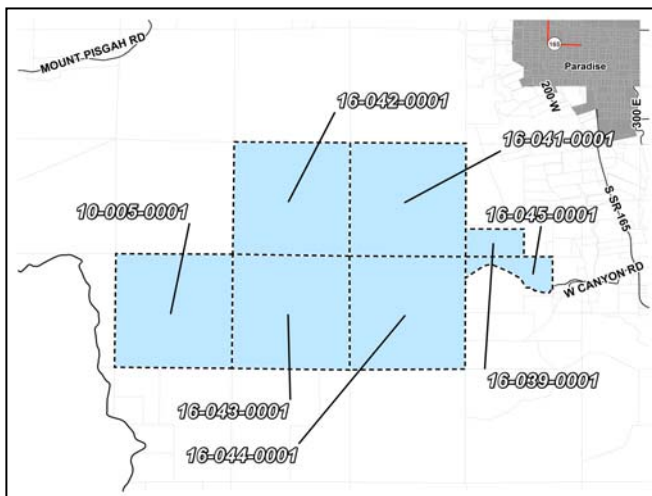
Surrounding Uses:

North – Agricultural/Forest Recreation

South – Agricultural/Forest Recreation

East – Agricultural/Residential

West – Agricultural/Forest Recreation



FINDINGS OF FACT (32)

A. Request description

1. The West Canyon Ranch Processing Conditional Use Permit (CUP) is a request to operate a small-scale meat processing facility under Use Type 6140 Agritourism. Per the request, the processing facility would operate in conjunction and coordination with an existing CUP on the same 7 parcels for a recreational facility. However, it was a point of discussion during the 4 June Planning Commission that the agritourism CUP will replace the recreational facility CUP, but there was no clear decision on that point. If that was the intent of the Planning Commission, an additional condition can be added requiring the applicant to withdraw the recreational facility CUP prior to recording the agritourism request, and the conditions of approval in place for the recreational facility can be added to the conditions for the current request.

2. The Planning Commission approved the recreational facility CUP in June 2018 to allow overnight accommodations for private sport hunting excursions. The CUP was approved with two phases that would have allowed up to four cabins for overnight accommodations. After meeting the required conditions of approval, the 1st phase of the CUP was recorded on 13 August 2019 and allowed 2 cabins. The 2nd phase approval would have allowed two additional cabins to be built for overnight accommodation, but that approval expired and is void as the applicant did not complete the required conditions including road improvements prior to the one-year effective period of approval.
3. Per the revised Letter of Intent (Attachment A), the applicant is requesting a separate but related CUP to operate a small-scale meat processing facility under Use Type 6140 Agritourism. The meat processed in the facility would come from both the applicant's domestic ranching operation as well as from the private hunting excursions operated under the existing recreational facility CUP.
4. The applicant states in the Letter of Intent that the proposed structure for the small-scale meat processing facility would be located on parcel #16-045-0001. This parcel is located in the Paravon West Subdivision. The subdivision was approved in May 2017 as a single lot subdivision with two agricultural remainders. Parcel 16-045-0001 is identified on the subdivision plat and by legal description as Agricultural Remainder Parcel 1 and has a zoning designation of FR40. Agricultural Remainders are not eligible for development and the recorded subdivision plat includes a note that reads: "Ag. parcels are non-buildable except for agricultural structures."
5. At the 4 June 2020 meeting, the Planning Commission, as the land use authority, determined that as the requested use is considered Agritourism, the meat processing facility is incidental to the primary agricultural use, and, although the processing facility will require the issuance of building permits, it is an agricultural structure allowed on a property identified as an Agricultural Remainder, and that the Commission the use to be is a small-scale meat processing facility if the number of animals processed is limited to not more than 100 annually. ***See condition #1***
6. Per the revised Letter of Intent (Attachment A), the applicant is proposing to construct the meat processing facility on parcel #16-045-0001. ***See condition #2***
 - a. Construction
 - i. The meat processing facility will be 2,800 square feet with 1,700 square feet dedicated to processing the meat and the remaining 1,100 square feet to be used as equipment and inventory storage.
 - ii. The applicant plans to start construction in this summer, if economic conditions are favorable, but states it will be completed no later than June 2023.
 - iii. There is no other construction proposed for this request.
 - iv. A small parking lot will be located adjacent to the processing facility to accommodate about 5 vehicles.
 - v. No business signage is being proposed.
 - b. Operation
 - i. The applicant has stated that the meat processing facility will operate seasonally from August 15th to December 31st. ***See condition #3***
 - ii. The maximum number of animals processed at the facility during the annual operating season will be 100. ***See condition #3***

- iii. The applicant anticipates one-to-two seasonal employees for the processing facility; no employees will reside on the property.

B. Parcel Legality

- 7. The subject properties are all legal parcels and have been in the same size and configuration since August 2006.

C. Conditional Uses *See conclusion #1*

- 8. §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*

- 9. 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.
- 10. §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*
- 11. All parcels included in the subject request are legal parcels zoned Agricultural (A10) or Forest Recreation (FR40).
- 12. §17.07.030, Use Related Definitions defines this use as
 - a. 6140 Agritourism: a use or activity for the on-site recreation, retail purchase, education, or participation of the general public. Any such use/activity may include, but is not limited to a: farm tour; farm stay; educational class; corn maze; group event or competition; U-pick operation; farmers market; farm museum; cider mill; petting farm/zoo; retail sales facility (e.g. meat shop; dairy or creamery; nursery; gift shop; flower, herb, or spice store; bakery; restaurant; or café); small-scale food processing (e.g., process pumpkins grown on premise into pumpkin pies), and other similar uses/activities as determined by the Land Use Authority. Any such use or activity must meet the minimum requirements as follows:
 - i. Any such use/activity must be accessory to a primary Agricultural Production use. The primary and accessory uses must:
 - 1. Be located on land that qualifies as land under agricultural use that is actively devoted to agriculture as defined by the Farmland Assessment Act, UCA 59-2-5, and;
 - 2. Be located on a legal parcel, five (5) acres or larger in size; or on contiguous legal parcels that are a total of five (5) acres or larger in size.
 - 3. Consist of 51% or more products produces on site.
 - ii. The use/activity occurs for more than twenty-one (21) consecutive or non-consecutive days per year, and provides agriculturally related, and in some instances, non-agriculturally related products and events to the general public.
 - iii. Must obtain Land Use Authority review and approval prior to operation.

iv. Overnight accommodation is permitted as follows:

1. Guest rooms must be located within an owner occupied dwelling or seasonal cabin that meets the minimum Building and Fire Code standards;
2. No more than a total of four (4) guest rooms with a maximum occupancy of two per rooms; not counting children 15 years of age and under.”

13. §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*

14. 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.

15. The primary activity of the proposed agritourism facility is agriculture, specifically the raising and feeding of domestic elk. An incidental use to the agriculture use is the small-scale meat processing facility located on parcel #16-045-0001.

16. It is not anticipated that the agritourism use and small-scale meat processing facility the applicant is proposing will 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*

17. 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.

18. 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.
- 19. A basic review of the access to the existing lots identifies the following:**
- a. The proposed meat processing facility for the agritourism use gains access from the county's West Canyon Road (10700 South).
 - 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 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, but as the Planning Commission has determined the meat processing facility is an agricultural structure, it is exempt from required road improvements.
 - 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.
- 20. Parking:**
- a. §17.22 Off Street Parking Standards – All uses included under Use Index 6000, Resource Production and Extraction 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. However, as the Planning Commission has determined that the processing facility is an agricultural structure, a Parking Analysis is not required. Parking requirements for the existing recreational facility were previously reviewed and approved.
- 21. Refuse:**
- a. Logan City Environmental did not have any comments on this request.

- b. The applicant stated in the revised 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 may not be provided in this area. *See condition #4*
- 22. Fire: §16.04.080 [C] Fire Control – The County Fire District has reviewed the proposed plans and visited the site and found that the access road meets fire code. Water supply for fire protection will be provided by the Paradise Fire Department. West Canyon Ranch will need to submit building plans to the Cache County Fire District for review and approval. *See condition #5*
- 23. Water: Agritourism facilities do not require confirmation of domestic culinary water rights.
- 24. Septic: Agritourism facilities do not require confirmation of septic feasibility. A septic permit will be required as part of the zoning clearance review for the proposed structure.

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 agritourism operation including the small-scale meat processing facility is not expected to generate additional average daily trips (ADTs) that may impact levels of service on the existing road as the trips will be from the same vehicles accommodated under the recreational facility CUP and will not generate a separate stream of ADTs.
 - b. 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 #6*

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

- 28. Public notice was posted online to the Utah Public Notice Website on 22 April 2020, 20 May 2020, and 24 June 2020.
- 29. Notice was published in the Herald Journal on 25 April 2020, 23 May 2020, and 27 June 2020.
- 30. Notices were posted in three public places on 22 April 2020, 20 May 2020, and 24 June 2020.
- 31. Notices were mailed to all property owners within 300 feet of the subject property on 23 April 2020.
- 32. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

Conditions (5)

These conditions are based on the Cache County 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 and must comply with the conditions. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. *See A-6*
2. Per the Planning Commission's determination that the meat processing facility is incidental to the primary agricultural use and is considered "small-scale", per the Agritourism definition, the processing facility operation is limited seasonally from August 15th to December 31st, and is limited to processing a maximum of 100 animals during the operating season. *See A-6-b-i, A-6-b-ii*
3. Prior to operation, the applicant must consult with Logan Environmental Services about refuse collection. *See F-21-b*
4. Prior to construction, the applicant must submit a copy of the building plans to the County Fire Department for review and approval. *See F-22*
5. Any development proposed within sensitive areas must comply with any applicable standards and/or further analysis. *See G-27-b*

Conclusions (3)

Based on the findings of fact and conditions noted herein, West Canyon Ranch Processing 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-10*
3. 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. The Planning Commission has determined the meat processing facility is an agricultural structure and permitted on this property. *See A-5*

Condition Use Permit Application – Cache County

Applicants:

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

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

Letter of Intent:

Introduction

Prime Ranch, LLC, and West Canyon Ranch Land, LLC (the “Ranch”) hereby apply for a conditional use permit to construct a small-scale meat processing facility (the “Facility”) on parcel 16-045-0001 (the “Parcel”). The Parcel is located within the A 10 and FR 40 zones of the County. The Facility will consist of a meat processing shop, equipment storage. The Ranch is an agricultural production use (Use Type 6100) on approximately 3,372 acres comprised of seven parcels of record. The Parcel is one of those seven parcels. In addition to the agricultural production use, the Ranch operates a recreational facility (Use Type 4100) pursuant to a conditional use permit issued in June of 2018.

The Facility falls within the definition of agritourism (Land Use 6140), which is a conditional use permitted in both the A 10 and FR 40 Zones as an accessory use to a primary agricultural production use. Agritourism is defined as: “A use or activity for the on-site recreation, retail purchase, education, or participation of the general public. Any such use/activity may include, but is not limited to a: farm tour; farm stay; educational class; corn maze; group event or competition; U-pick operation; farmers market; farm museum; cider mill; petting farm/zoo; retail sales facility (e.g., **meat shop**; dairy or creamery; nursery; gift shop; flower, herb, or spice store; bakery; restaurant; or cafe); **small-scale food processing** (e.g., process pumpkins grown on premises into pumpkin pies), and other similar uses/activities as determined by the Land Use Authority” (emphasis added).

The Facility will be an accessory use operated in conjunction with and ancillary to the current the current CUP and complement the existing hunting and agricultural ranching including cattle, domestic elk and bison business operated by the Ranch. While we understand there are some questions about West Canyon’s business model and operations, we want to work with the County to resolve any concerns and move forward with this project.

County Staff has indicated that the Parcel is an “Agricultural Remainder.” However, Prime Ranch is entitled to seek the applied for conditional use permit, because: (a) the Facility is reasonably characterized as an agricultural structure because it is used for an agritourism use that is itself ancillary to the primary agricultural production use of the Parcel. The Staff’s contention to the contrary is misplaced because it depends upon a misreading of both applicable County ordinances and the State Construction Code. The proposed Facility is not “a structure used solely in conjunction with agricultural use, and not for human occupancy” such that it is “exempt from the permit requirements of the State Construction Code.” Rather, the Facility as proposed is an agricultural structure subject to all State Construction Code requirements and that is expressly identified as a permitted conditional use pursuant to the County’s land use code.

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 operated the ranch for nearly a hundred years and raised sheep and later cattle. In 2007, Mr. Peterson made a major investment in the ranch and changed part of his ranching business model by moving into domestic elk & bison 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 Agriculture. 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 approximately 2,800 acres of the ranch at 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 live elk/bison and meat to wholesale distributors, chefs, and restaurants. Recently in 2019, the Utah Legislature passed HB 412, which amended the definition of domestic animals to include commercially and domestically raised elk & bison. This change allows for custom onsite harvesting and meat processing of domestic elk and bison, which is inspected by the Utah Department of Agriculture. The Department of Agriculture is still writing the rules for this new program, but it will significantly expand opportunities for ranchers of domestic elk & bison.

In addition, we are proposing to operate the facility under what the Utah Department of Agriculture terms a ‘custom exempt processing’ facility, which allows processing for private individuals (See Utah Code

Section 4-32-105(10)). (Application attached). Oversight and regulation will be administered by the Utah department of Agriculture.

The current owners of West Canyon Ranch are already involved in a wholesale meat distribution business (www.primeinternational.com) and West Canyon Ranch and the Facility is an opportunity to vertically integrate part of their supply chain and expand their business. West Canyon Ranch's business model, which is still evolving and has several components, includes both marketing its protein business to clients like Sierra Meat & Seafood (www.sierrameat.com) and the operation of its harvest/hunting business to individual clients. West Canyon Ranch has been working on promotional materials, including brochures and our own in-house created website (www.westcanyonranch.com). Our harvest/hunting business model is based on a limited number of clients and guests with a focus on a privacy, exclusivity, and an up-scale overall experience.

Purpose and Operation of the Facility; Response to CUP Application Requirements

1(a): The Facility is proposed to be approximately 2,800 square feet in size, with approximately 1,700 square feet devoted to meat processing and another 1,100 square feet for equipment and inventory storage. The Facility will be located on the Parcel (Tax Parcel No. 16-045-001) and will have a physical address of 215 West Canyon Road, Avon, UT 84328. As described above, the Facility will be operated in conjunction with the current West Canyon Ranch operations. The Facility will be wood frame construction and will be designed and engineered to meet or exceed current County building codes. Building permits will be obtained and approved by Cache County. Construction is proposed to begin in June 2020 pending contractor availability and economic conditions and be completed no later than June 2023.

1(b): The Facility will have one to two seasonal employees, none of the employees are expected to residents at the Facility.

1(c): Meat processing hours of operation will fluctuate according to demand, but we are planning to operate seasonally, from August 15 to December 31. The facility will process no more than 100 animals per season.

1(d): Access to the Facility is accommodated vis-à-vis existing private and County roads that provide access to West Canyon Ranch. Because the Facility supplements existing operations, we do not foresee any material increase in vehicular traffic to West Canyon Ranch; rather we anticipate a reduction in vehicular traffic because on-site meat processing will result in fewer trips transporting inventory. We expect light travel, or approximately one to five vehicles per day during guest visits, including staff. 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 roads, and the existing roads will provide adequate access to the Facility. The private road will nevertheless be improved to meet County fire and emergency access standards and the existing cabin location and address will be registered with Cache County emergency services. The general public will not be allowed to use the private road, and the private roads will not require any County maintenance. A parking lot for the Facility will be constructed to accommodate up to five

vehicles, including 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.

1(e): There is no proposed road signage unless requested by county or emergency services.

1(f): The Facility will include refrigerator and freezer equipment for storing meat, as well as cutting and packing equipment for general meat processing.

1(g): Garbage and waste will be collected on site and deposited in regular County garbage cans located at 200 W. West Canyon Road, which is the end of the County road and on property currently owned by West Canyon Ranch. If required, we will add a three-yard dumpster to accommodate additional waste at the same location during periods of higher demand.

Staff Report: Shawn Cronquist CUP

9 July 2020

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: Jeff Nielsen

Parcel ID#: 08-046-0009, 08-020-0009

Staff Determination: Continue to 6 August 2020

Type of Action: Administrative

Land Use Authority: Planning Commission

Location

Reviewed by Angie Zetterquist

Project Address:

1929 Canyon Road
Smithfield

Current Zoning:

Agricultural (A10)

Acres: 178.20

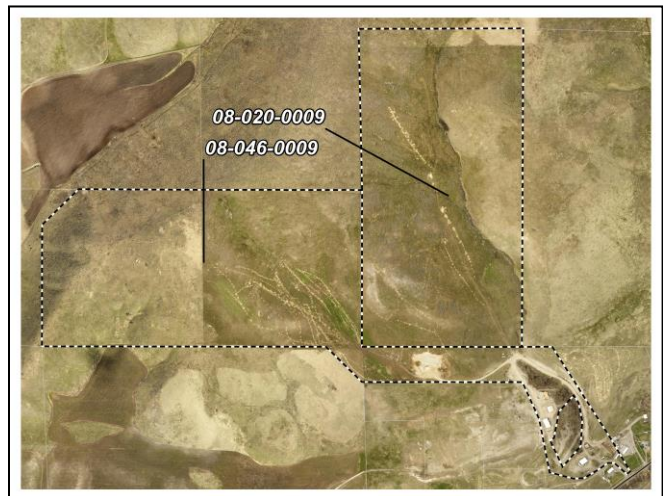
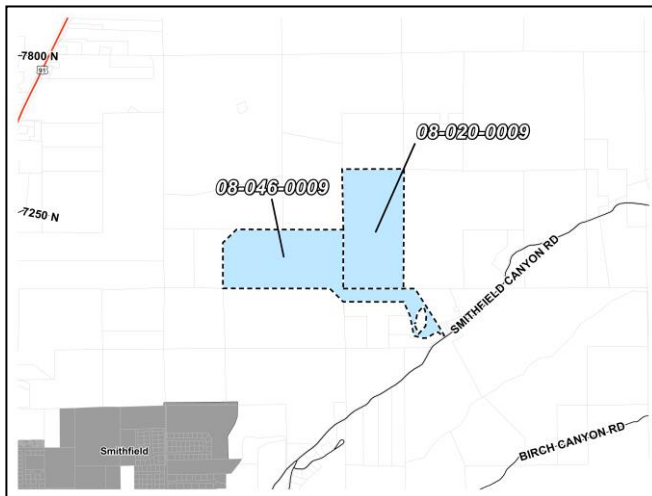
Surrounding Uses:

North – Agricultural

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



FINDINGS OF FACT (35)

A. Request description

1. The Shawn Cronquist Conditional Use Permit (CUP) is a request to operate a minor extraction operation of less than 5 acres under Use Type 6400 Mineral Extraction on two parcels totaling 178.2 acres in the Agricultural (A10) Zone.
2. Per the Letter of Intent and maps submitted as part of the application submittal (Attachment A), the applicant wants to level large areas of his property in order to create pasture land and ultimately place loafing sheds to raise longhorn beef. The leveling process will result in a large surplus of fill material that the applicant wants to haul out of the area and use as part of a landscape business he operates, Birchcreek Landscape, Inc. To do that, the applicant is requesting approval of a CUP for a minor extraction operation.

3. Per the Letter of Intent, the applicant is proposing the following:

a. Construction

- i.** The agricultural structures will be constructed over several years as his cattle business grows and there are no plans for immediate construction on the properties.
- ii.** There is no other construction proposed for this request.
- iii.** The applicant states a designated parking area is not needed as there will be no full-time employees at this location.
- iv.** No business signage is being proposed.

b. Operation

- i.** The applicant has stated that 5 acres or less will be leveled at a time, which is a requirement for a minor extraction operation. Extraction and excavation will occur in these phased areas over a period of approximately 15-20 years.
- ii.** The applicant has provided a site plan that shows the subject properties sectioned off into 10 phases each with 5 acres or less.
- iii.** Once a phased area has been leveled, the applicant indicates the agricultural structures will be built, topsoil spread, and the area reseeded with a local variety of pasture grass seed.
- iv.** The applicant states in the letter of intent that there will be 3 to 4 dump trucks per day at the site, but the trucks will not be stored onsite. However, sheet 3 of the site plan drawings indicates that ten trips per day are anticipated.
- v.** The letter of intent indicates that there are 4 employees associated with Birchcreek Landscaping, but does not indicate if the same employees will be driving the dump trucks with the fill material.
- vi.** Equipment used for the operation includes a track hoe, front end loader, bulldozer, and dump trucks. There is no indication where this equipment will be located and stored except that the dump trucks will not be stored onsite.
- vii.** The applicant is proposing to use a private driveway from the subject properties to Canyon Road to access the site and as the route for the dump trucks to enter and exit the site. The private driveway connects to Smithfield Canyon Road a narrow road popular with recreationalists. It is presumed, but needs to be confirmed, that the route would proceed from the lower canyon road to the upper canyon road that turns into 400 North, a Smithfield City road. The applicant did provide an email from Smithfield City stating they did not have an issue with applicant using the city roads.

B. Parcel Legality

- 4.** The subject properties have changed configuration since August 2006 due to boundary line adjustments, but no additional lots were created and they are considered legal parcels.

C. 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.

D. 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. Both parcels included in the subject request are legal parcels zoned Agricultural (A10).
- 9.
- 10. 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 §17.13.050 Operation Categories, permits a minor extraction operation with a CUP in any zone if reviewed and approved in accordance with the conditional use review procedures of §17.06.
11. According to the Letter of Intent, the applicant is planning to remove fill from 10 different areas/phases each with 5 acres or less, a total of 45.20 acres. As the total acreage to be removed during the life of the use is more than the acreage allowed for a minor extraction operation, it appears that this is a commercial extraction use and requires a rezone to the Mineral Extraction (ME) Overlay Zone. §17.07.030, Use Related Definitions defines this use as “6400 Mineral Extraction” and §17.13.050-A identifies this as a commercial extraction and excavation operation. Additional review by the County Attorney’s office is recommended to confirm this interpretation.

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 mineral extraction operation is a minor extraction operation removing large areas of fill into dump trucks with up to 10 trips from the site anticipated per day, Monday through Saturday.

14. Staff has received numerous public comments about the proposed use and haul route for the dump trucks. The majority of comments include concerns about dust produced from the dump trucks and conflict with recreational users of Canyon Road and Upper Canyon Road/400 North, Smithfield, with the heavy equipment traffic resulting from the use.
15. It is anticipated that the proposed extraction use is will cause unreasonable risks to the safety of persons or property, will unreasonably interfere with the lawful use of surrounding properties as the points of access and haul routes for the heavy equipment are located on roads and driveways classified for residential use, and that the use is likely to result in conflicts with other users including joggers, bicyclists, and other traffic.

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 site to Smithfield Canyon Road, a county road. Though it is not specifically addressed, it is presumed that the haul route will continue to Upper Canyon Road/400 North in Smithfield.
 - 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. §2.4-A-4-ii: Requests for Conditional Use Permits (CUP) on existing roadways shall be required to meet Roadway Standards Standard.
 - v. 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.
18. A basic review of the access to the subject properties identifies the following:

- a. The minor extraction operation gains access to Smithfield Canyon Road, a county road, from a private driveway access.
- b. Smithfield Canyon Road :
 - i. Is an existing county facility that provides access to the general public.
 - ii. The road classification is identified as having rural and local road functionality depending on the location.
 - iii. Consists of a paved travel width of approximately 20 feet with shoulders that vary between 1-4 feet wide.
 - iv. Has an unknown depth and type of material under the paved surface.
 - v. Is maintained year round.
 - vi. Serves as a recreation/scenic road and provides access to residential uses.
 - vii. The road is not located within the Smithfield City future annexation area and therefore it is assumed that existing traffic patterns for residential use will remain consistent and any increased traffic volume will be predominantly from recreation.
 - viii. The County Engineer determined that, based on recommendations of the American Association of State Highway and Transportation Officials (AASHTO), existing road properties, low crash history and nature of the existing road, no improvements to the travel lanes or shoulders are recommended at this time..
 - ix. The County Engineer has recommended that if the CUP is approved, a condition of approval should be included that requires a yearly evaluation by the Public Works Department, Development Services Department, or designee, to be conducted to determine if the proposed use has created an increased risk of safety, reduced the life of the asphalt, or damaged shoulders or other roadway features. If the evaluation determines that there have been negative impacts, operations of the use must be suspended until those items can be reasonably mitigated with respect to the public interest, protection of adjacent properties, and the roadway. If mitigation is not possible or detrimental, the CUP must cease operation and may be revoked.
- c. Private access driveway:
 - i. A thorough analysis of the private access driveway has not been conducted. A number of the public comments staff has received regarding the proposed use have questioned the use of the private driveway including issues on safety, slope, material, and whether it meets the minimum standards to accommodate heavy equipment.

19. Parking:

- a. §17.22 Off Street Parking Standards – All uses included under Use Index 6000, Resource Production and Extraction 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.

20. Refuse:

- a. Logan City Environmental did not have any comments on this request.
- b. The applicant states in the Letter of Intent that it is not anticipated that any garbage or waste will generated as part of the proposed use, but any waste will be disposed directly at the Logan Landfill.

- 21. Fire:** §16.04.080 [C] Fire Control – The County Fire District has reviewed the request and visited the site and found that the access road meets fire code. Water supply for fire protection will be provided by the Smithfield Fire Department.

- 22. Water: Mineral Extraction operations do not require confirmation of domestic culinary water rights.
- 23. Septic: Mineral Extraction operations facilities do not require confirmation of septic feasibility.

G. Impacts and mitigation *See conclusion #1*

- 24. 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.”
- 25. 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.
- 26. Known or reasonably anticipated detrimental effects of the use are as follows:
 - a. Traffic: The mineral extraction operation will increase the presence of heavy equipment utilizing Smithfield Canyon Road. The Letter of Intent states there will be 3-to-4 dump trucks per day, but one of the site plans accompanying the Letter of Intent states there will 10 trips per day. In order to determine the actual impact, the applicant must revise his letter of intent and site plans so that there is consistency and the term “trips” is defined clearly (i.e., one-way trip, round trip, etc). Further, the increase in trips by heavy equipment will have a detrimental effect on other users of the road, specifically, residential and recreational users. It is reasonable to anticipate that there could be detrimental effects between the different users on this scenic, curved road, with limited sight distances. The applicant may revise the Letter of Intent and identify an alternate route from the subject property, or the Commission may impose a condition to address that impact.
 - b. Dust: The fill material collected and hauled off the subject properties can be reasonable anticipated to create detrimental effects to neighboring properties adjacent to the properties and along the haul route. Applicant should submit a revised Letter of Intent that explains in detail best practices for dust control or the Commission may impose a condition to address that impact.
 - c. Sensitive Areas: GIS data indicates that a portion of the subject property that is proposed for excavation is located in a source water protection area. Excavation in this area may have a detrimental effect on the source water protection area. The applicant should meet with the State Water Division to determine if the proposed use will have a detrimental impact and if there any requirements from the State that must be met prior to operation.

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

- 27. Public notice was posted online to the Utah Public Notice Website on 24 June 2020.
- 28. Notice was published in the Herald Journal on 27 June 2020.
- 29. Notices were posted in three public places on 24 June 2020.
- 30. Notices were mailed to all property owners within 300 feet of the subject property on 26 June 2020.
- 31. Since noticing this item, staff has received a number of inquiries and complaints regarding the proposed use (Attachment B). Consistent issues that have been raised include use of Canyon Road as the haul route and potential conflicts with pedestrians, joggers, and bicyclists as well

as the increase in residential development along 400 North; impacts of dust on neighboring properties and along the haul route; the safety of heavy equipment using the private driveway; wear and tear of heavy equipment on the private driveway and Canyon road that contributes to erosion and flooding of neighboring properties; possibilities of using an alternate route from the extraction site; and concerns that arose from a previous gravel extraction operation at the same site including a civil lawsuit that resulted in the termination of the previous operation.

Staff Recommendation

1. Staff recommends a continuance of this item to allow the County Attorney's office opportunity to review the proposed use and applicable land use code requirements, and provide a determination as to the use type.
 - a. If the use is determined to be a minor extraction operation, a continuance will also allow the County Departments and the Commission additional opportunity to review and provide reasonable conditions where needed to address potential impacts and issues that have been raised by the public and that were not been addressed in the initial County review. A continuance will also allow the applicant to clarify the specifics of how the proposed facility will operate as a minor extraction operation, to provide a complete phased plan for extraction and reclamation with timelines, and to address any other items the Planning Commission finds to be applicable in the operation of the proposed use.
 - b. If the use is determined to be a commercial extraction and excavation operation, the request may be denied by the Commission, or withdrawn by the applicant. A rezone would then be required to proceed with a new CUP request.



May 20, 2020

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

Re: Shawn Cronquist Conditional Use Permit Application Letter of Intent

The following is an explanation for the Conditional Use Permit Application on parcel 08-020-0009 located at approximately 1927 Canyon Road, Smithfield Utah:

- a) **Proposed Use.** The long-term use of this property will be agricultural in nature. Currently Mr. Cronquist raises longhorn beef through a business called Crazy R Longhorns which he sells for various purposes. His intentions are to create pasture land and eventually place loafing sheds on this area of his property. In order to construct the loafing sheds Mr. Cronquist needs to level out some fairly large areas. In doing this he will generate a large surplus of fill material which he would like to utilize through another business that he operates called Birchcreek Landscape Inc. The agricultural structures will be constructed over several years of time as his cattle business grows. We anticipate that five acres or less at a time will be leveled. After an area has been sufficiently leveled structures will be built and the topsoil will be spread, and the area will be reseeded. Mr. Cronquist would like to be issued a conditional use permit which would allow him to remove the fill material from his property and utilize it at other locations throughout the County.
- b) **Number of Employees.** Currently there are 4 employees employed with Birchcreek Landscape Inc. None are residents of the property that the conditional use permit is being applied for.
- c) **Hours of operation.** The hours of operation will be 7:00AM to 5:00PM, Monday through Saturday and excluding holidays.
- d) **Traffic and parking.** There will be no full-time employees at this location. Traffic will be three to four dump trucks per day with none staying at the site. Therefore, designated parking areas should not be required.
- e) **Signage.** There will not be any additional signs asked for as part of this application. Any additional signs that the County deems necessary will be installed.
- f) **Equipment.** The equipment used for this project will include track hoe, front end loader, bulldozer and dump trucks.

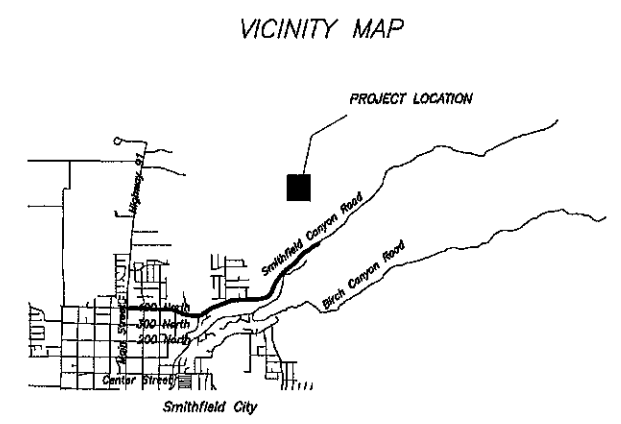
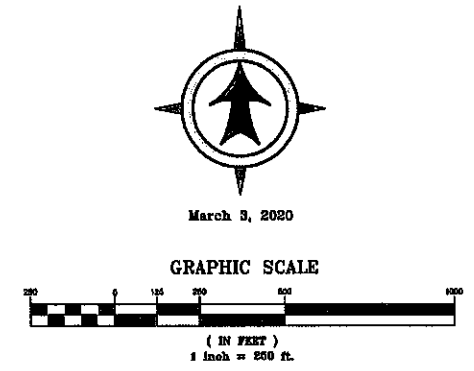
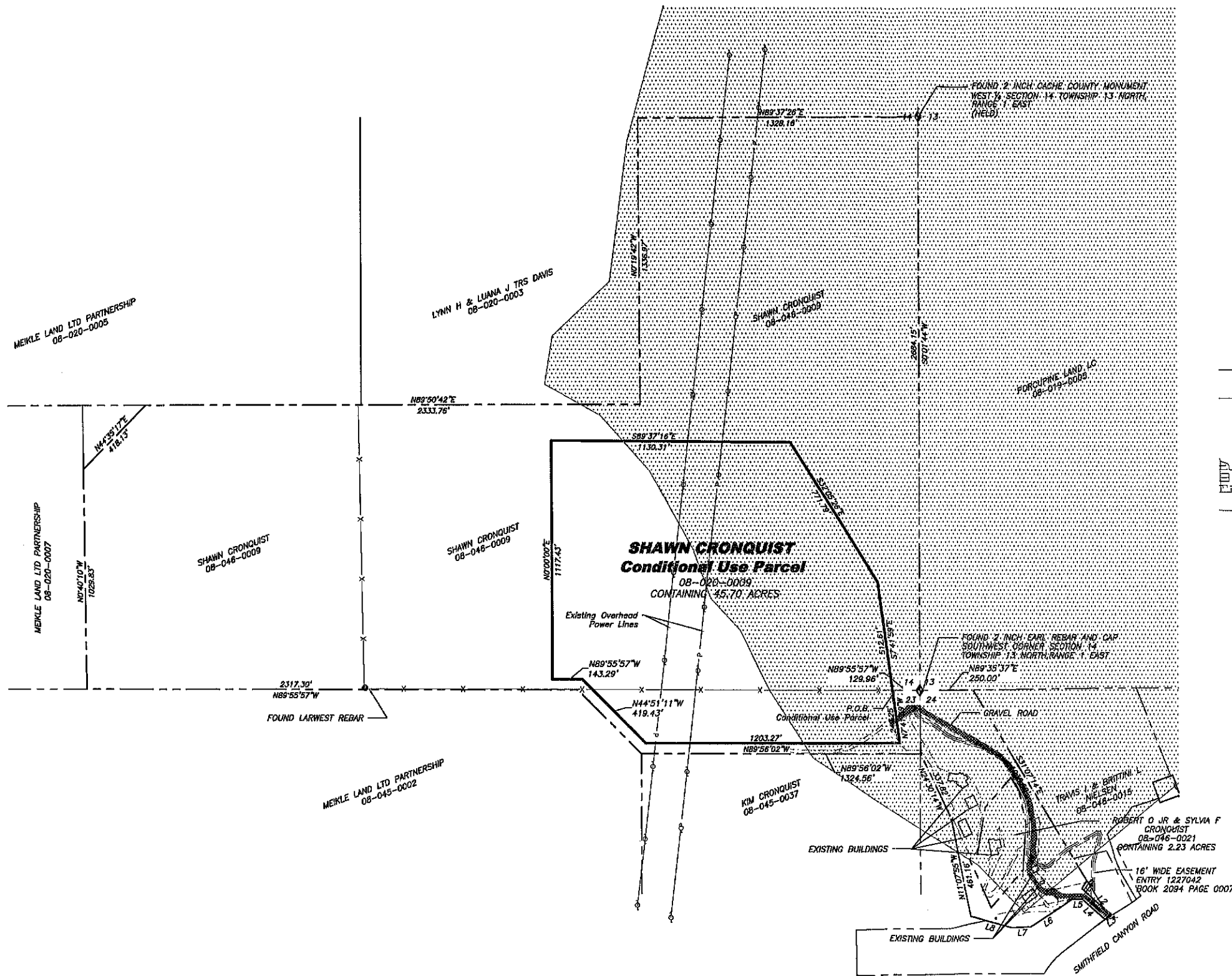
- g) Processing facilities.** The gravel will be extracted using a track hoe and bulldozer. The material will then be loaded onto dump trucks with a front end loader. We do not anticipate the use of any additional loading and processing facilities.
- h) Surface and storm water drainage.** Silt fences will be placed along the phase line on the downhill side of the excavation. Straw waddles will be placed in drainages to prevent erosion. A detailed Storm Water Pollution Prevention Plan will be prepared to address the specific conditions of each for each phase.
- i) Reclamation.** At the end of each phase and prior to opening another phase, stockpiled topsoil will be spread back across the excavated area and will be seeded with native grasses. This operation is anticipated to last approximately 15 to 20 years.
- j) Waste and/or garbage.** It is not anticipated that any garbage or waste will be generated as part of this proposed use. However, if any is generated it will be disposed of properly at the Logan Landfill.

Please feel free to contact me at (435) 753-1910 or Shawn at (435) 705-0129 with any questions regarding this Conditional Use Permit Application.

Thanks



Jeff Nielsen, PLS
Foresight Surveying



30% Slope 0.29 Acres

LEGEND:

- PROPERTY LINE
- NEIGHBORING PROPERTY
- WATER PROTECTION ZONE 2
- 30% SLOPE
- HAUL ROAD
- SECTION MONUMENT
- FOUND REBAR

SURVEY CERTIFICATE

I, Jeff C. Nielsen, do hereby certify that I am a Registered Land Surveyor, and that I hold Certificate No. 5152661 as prescribed by the Laws of the State of Utah, and that I have made and/or Supervised the survey of the property shown and described hereon and that this plot is a true and correct representation of said survey to the best of my knowledge and belief.

Jeff Nielsen,
R.L.S. No. 5152661

DATE

Line Table		
Line #	Length	Direction
L1	44.90	S31°08'42"W
L2	135.74	S48°11'33"E
L3	38.10	S53°31'41"W
L4	142.28	N48°11'31"W
L5	49.88	S89°05'32"W
L6	163.35	S57°20'05"W
L7	87.97	S86°52'37"W
L8	205.54	N75°29'01"W

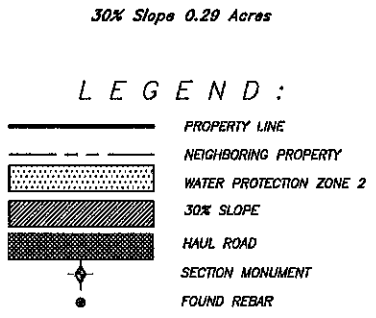
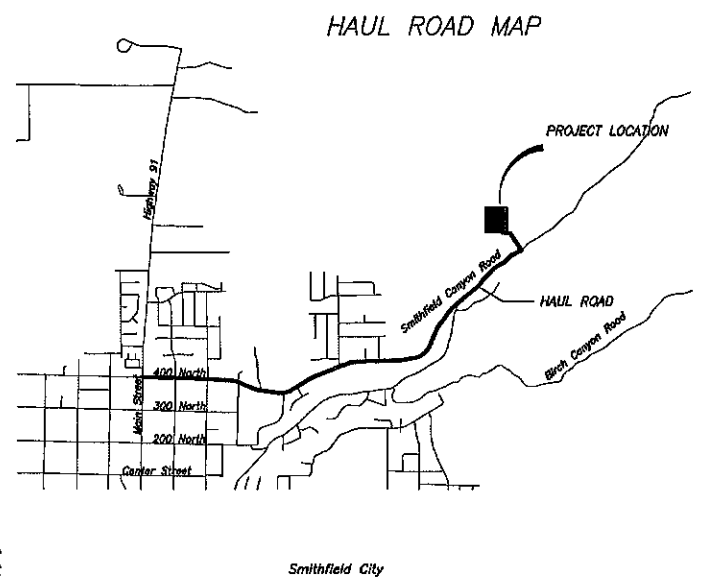
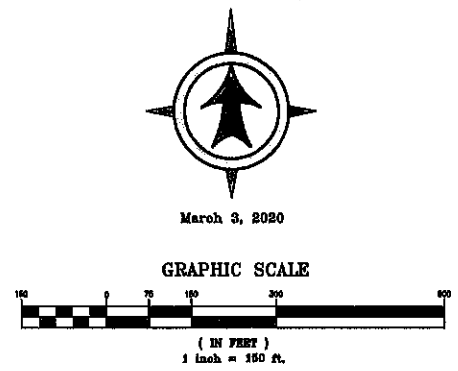
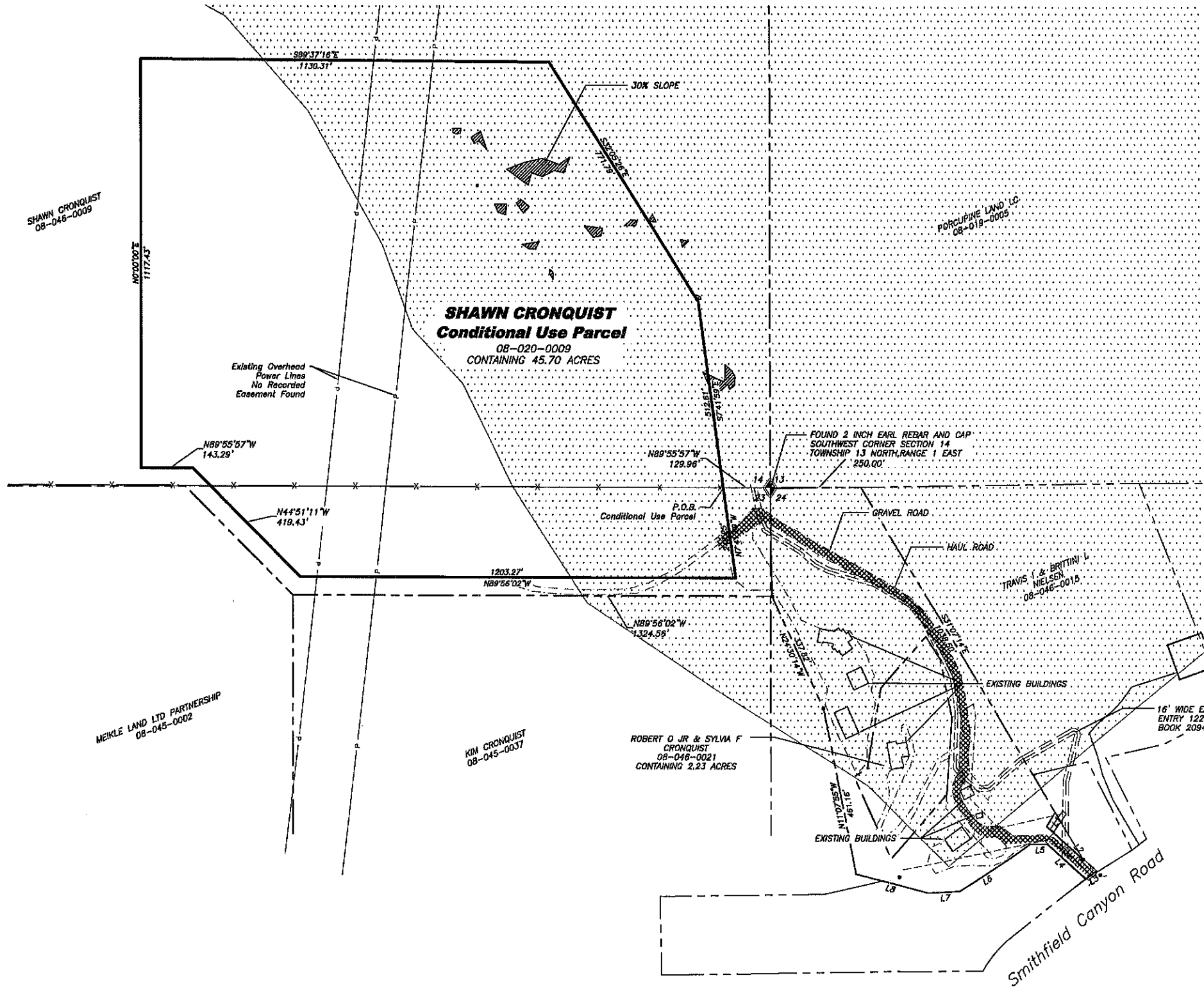
FORESIGHT
LAND SURVEYING

2005 North 600 West, Logan, Utah
435-753-1910

AN EXHIBIT DRAWING FOR:
Shawn Cronquist
C.U.P. Exhibit Drawing

1927 CANYON ROAD
Smithfield, Cache County, Utah

Job Number:	20-016
Drawn By:	JH
Date:	3/7/20
Scale:	1"=250'
File:	20-016.dwg



Line Table		
Line #	Length	Direction
L1	44.90	S31°08'42"W
L2	135.74	S48°11'33"E
L3	38.10	S53°31'41"W
L4	142.28	N48°11'31"W
L5	49.58	S89°05'32"W
L6	163.35	S57°20'05"W
L7	87.97	S86°52'37"W
L8	205.54	N75°29'01"W

SURVEY CERTIFICATE

I, Jeff C. Nielsen, do hereby certify that I am a Registered Land Surveyor, and that I hold Certificate No. 5152681 as prescribed by the Laws of the State of Utah, and that I have made and/or Supervised the survey of the property shown and described hereon and that this plat is a true and correct representation of said survey to the best of my knowledge and belief.

Jeff Nielsen,
R.L.S. No. 5152681

Date

AN EXHIBIT DRAWING FOR:

Shawn Cronquist

C.U.P. Exhibit Drawing

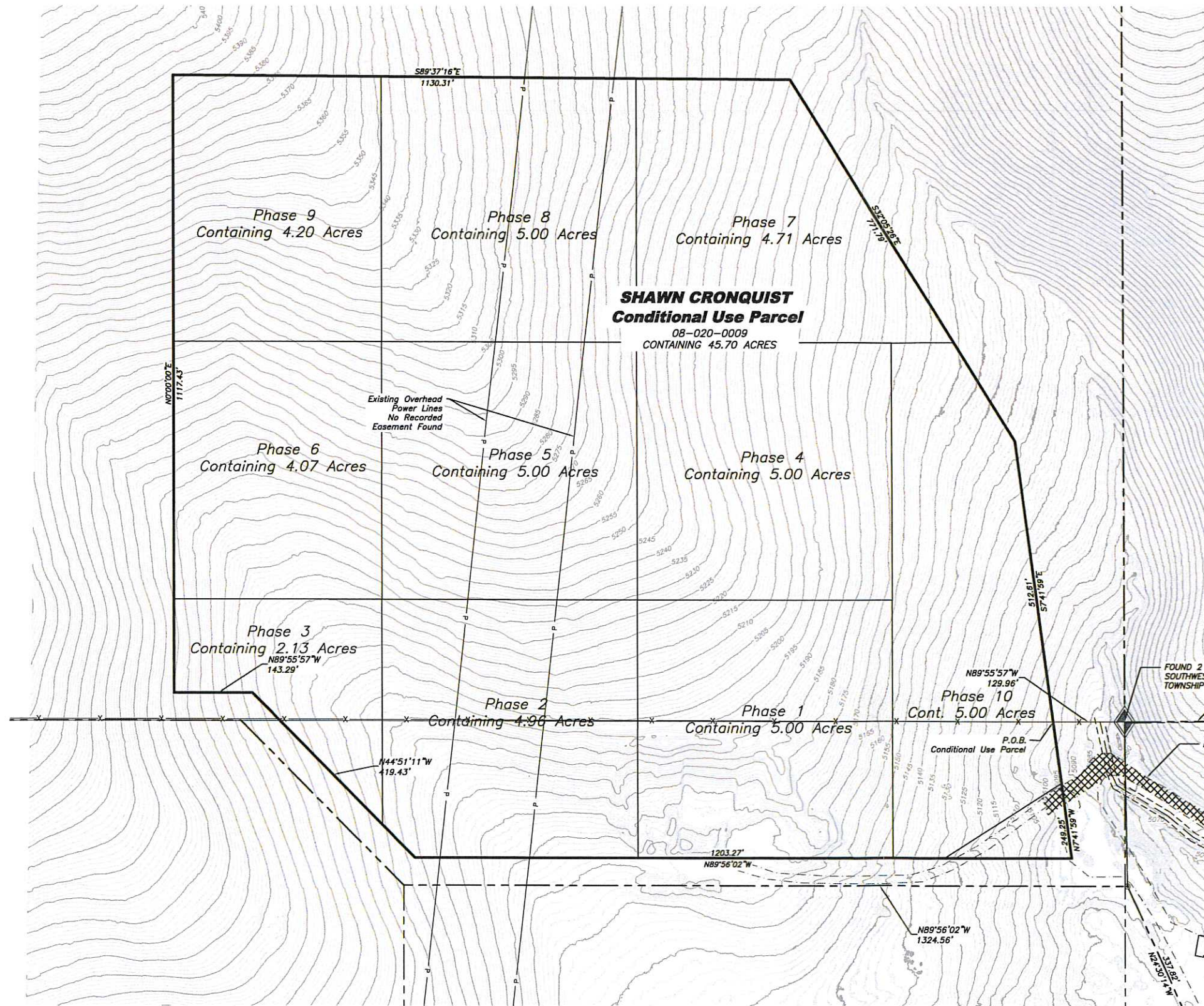
1927 CANYON ROAD
Smithfield, Cache County, Utah

FORESIGHT SURVEYING

2005 North 600 West Suite D
Logan, Utah 84321
(435) 753-1910 Office
(435) 753-3213 Fax

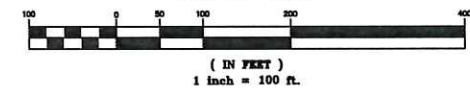
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Drawn By:	JH
Date:	3/4/20
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File:	20-016.dwg

EXISTING SURFACE

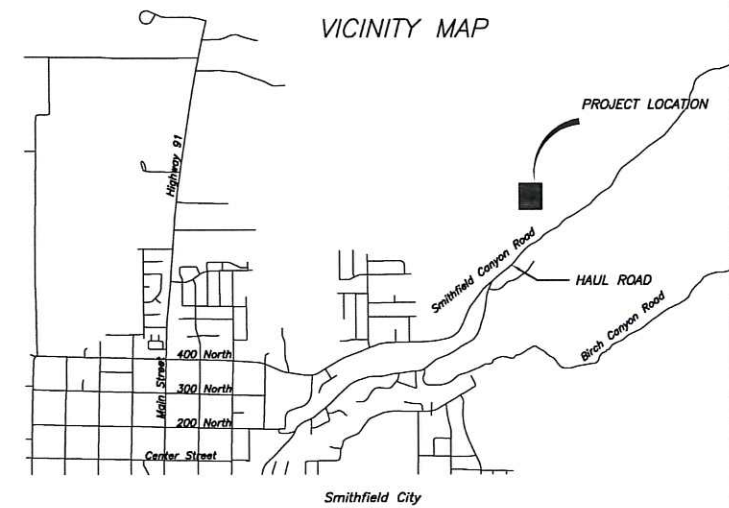


March 3, 2020

GRAPHIC SCALE



VICINITY MAP



30% Slope 0.29 Acres

LEGEND :

	PROPERTY LINE
	NEIGHBORING PROPERTY
	WATER PROTECTION ZONE 2
	30% SLOPE
	HAUL ROAD
	SECTION MONUMENT
	FOUND REBAR

- Notes:
1. There is an estimated 726,000 cubic yards of material that could be mined from this location.
 2. Silt fences will be placed along the phase line on the downhill side of the excavation. Straw wattles will be placed in drainages to prevent erosion.
 3. A detailed Storm Water Pollution Prevention Plan will be prepared to address the specific conditions of each phase.
 4. At the beginning of each phase the topsoil will be stripped off and stockpiled onsite. Once a phase is complete that topsoil will be spread back over the site and will be seeded with a local variety of pasture grass seed.
 5. Side slopes along the perimeter will not exceed a 2:1 slope.
- 10 TEN TRIPS PER DAY ARE ANTICIPATED

FORESIGHT SURVEYING

2005 North 600 West Suite D
Carmichael, UT 84302
(435) 755-1910 Office
(435) 755-3213 Fax

AN EXHIBIT DRAWING FOR:
Shawn Cronquist
C.U.P. Exhibit Drawing

1927 CANYON ROAD
Smithfield, Cache County, Utah

Job Number:	20-018
Drawn By:	JH
Date:	3/9/20
Scale:	1"=100'
File:	20-018.dwg

**Public Comment 1
Attachment B****Angie Zetterquist - gravel up canyon road in Smithfield**

From: Christine Hanks <hanksch@live.com>
To: "angie.zetterquist@cachecounty.org" <angie.zetterquist@cachecounty.org>
Date: 7/1/2020 9:27 AM
Subject: gravel up canyon road in Smithfield

Angie,

I'm not sure what I can do, but this email is to inform you that I am opposed to the proposed gravel extraction operation up Smithfield Canyon. I know that this will impact the traffic on canyon road--even if the gravel is taken out via a different route.

Christine Hanks
630 Canyon Road
Smithfield, Utah

**Public Comment 2
Attachment B****Angie Zetterquist - Shawn cronquist cup**

From: Brooke Freidenberger <br.hayden04@gmail.com>
To: <angie.zetterquist@cachecounty.org>
Date: 7/1/2020 11:17 AM
Subject: Shawn cronquist cup

I would like to contest this project going forward. A few of the many reasons are as follows. First off even though we are further than 300 ft from the site the constant dust and grit in the air would add to the already bad air days that we experience in the valley which will exacerbate pre existing conditions in our residents who live in this suburban area. 2nd the city plan does not mark this area as commercial this is a residential zone and should be treated as such. There are 100s of people who walk, jog and exercise on 400 north everyday including children, and the reckless trucks speeding down that residential area will be a disaster waiting to happen. 3rd the noise pollution that would cause constant problems for our serene community. Fourth it will lower our property values on homes some of which has worked for a year or more to build in the nnhc program. This was shadily put forth in a manner that was unbecoming of the values and principles that cache county used to be known for. Please consider the people rather than the money when making further decisions.

Regards

Brooke Freidenberger

**Public Comment #3
Attachment B****Angie Zetterquist - Gravel Pit Canyon Road Smithfield**

From: sandi hayden <shayden53@yahoo.com>
To: "Angie.Zetterquist@cachecounty.org" <Angie.Zetterquist@cachecounty.org>
Date: 7/1/2020 11:43 AM
Subject: Gravel Pit Canyon Road Smithfield

I am writing to oppose proposed gravel pit in area of Canyon Road in Smithfield. As a Smithfield resident, this would greatly impact the desirable living of the new family residential housing developments in this area. Noise and traffic would increase, as well as taking away from the beautiful residential setting of the area...making it ugly, busy, putting young children at risk who live and play nearby and making it more INDUSTRIAL. I am greatly disturbed that this kind of proposal seems to be able to just slip thru your system with little to no notification to the residents of this area. Something is wrong here.

Sandra Hayden

**Public Comment #4
Attachment B****Angie Zetterquist - Heavy Equipment Upper Canyon Road Smithfield**

From: Amber Jardine <bajardine630@gmail.com>
To: <ANGIE.ZETTERQUIST@cachecounty.org>
Date: 7/1/2020 12:00 PM
Subject: Heavy Equipment Upper Canyon Road Smithfield

To Whom it May Concern,

I wanted to express my concern for the heavy equipment travel along upper canyon road in Smithfield.

My family lives along upper canyon road and we have three small children. This road and sidewalk is always busy with families walking, biking, and playing. With the constant travel of large, heavy machinery, I fear for the safety of my own family and others in my neighborhood.

We try to teach our children safety rules that will keep them out of harms way. However, on more than one occasion, I have seen children from my culdesac run and ride their bikes into the road with car traffic. I can't imagine anything worse than seeing a child be hit by a vehicle, especially heavy equipment.

Please consider alternative routes that would be a safer option for our community.

Thank you,
Amber Jardine
[435-760-5418](tel:435-760-5418)

**Public Comment #5
Attachment B****Angie Zetterquist - Comment Regarding Project: Shawn Cronquist CUP**

From: Allyson Shirley <allyshirley@gmail.com>
To: <ANGIE.ZETTERQUIST@cachecounty.org>
Date: 7/1/2020 12:06 PM
Subject: Comment Regarding Project: Shawn Cronquist CUP

Members of the Planning Commission of Cache County,

My name is Allyson Shirley and I reside at 496 N 680 E, Smithfield, UT 84335. I'd like to make a comment regarding Project: Shawn Cronquist CUP, that is slated to be discussed in your upcoming July 9, 2020 meeting. I am very concerned about the potential of heavy machinery traveling on Upper Canyon Road. This residential area is growing rapidly. Many young families with children have moved in, and I feel it would be very dangerous to have heavy equipment/machinery traveling up and down Upper Canyon Road. I ask that you require this project to find a safe, alternative route that does not include Upper Canyon Road. I plead that you highly consider the safety of the children in our community.

Sincerely,
Allyson Shirley
[435-764-3464](tel:435-764-3464)

***Public Comment #6
Attachment B***

From: Jessie Datwyler <momdat@gmail.com>
To: <angie.zetterquist@cachecounty.org>
Date: 7/1/2020 2:06 PM
Subject: Sean Cronquist CUP

Dear Angie,

I was just informed that Jeff Nielsen is trying to get a permit to haul gravel up and down the canyon. This canyon is a refuge for walkers, runners, bicyclists, and children playing. It would be dangerous to put heavy trucks into that mix.

I would put a "NO" vote to this proposal.

Thank you for your consideration.

Sincerely,

Jessie Datwyler

Smithfield Canyon Resident

**Public Comment #7
Attachment B****Angie Zetterquist - Project: Shawn Cronquist CUP**

From: Trudy <trudy.peterson.mlms@gmail.com>
To: "planning.commission@cachecounty.org" <planning.commission@cachecounty.org>
Date: 7/1/2020 2:30 PM
Subject: Project: Shawn Cronquist CUP
Cc: "Angie.Zetterquist@cachecounty.org" <Angie.Zetterquist@cachecounty.org>,...

To Whom It May Concern,

I am a resident of Smithfield Canyon. My name is Trudy Peterson and I reside at 531 Riverbirch Road. I have been a resident of Smithfield Canyon for a total of 36 years. Smithfield Canyon is very dear to me, my life and my livelihood. Over the years I have seen it change and grow in number of houses, population and popularity amongst visitors to the canyon. It is a beautiful place and worth sharing the beauty. However, this beauty is fragile and can easily be damaged or diminished which would be a loss to so many who come here to enjoy it. I would like to emphasize that this loss would also be damaging to wildlife and the ecosystem within the canyon walls.

Please, please DO NOT ALLOW the Shawn Cronquist CUP project to proceed. This would prove to be detrimental to Smithfield Canyon for all the reasons I have listed above. Additionally, the canyon road is narrow, not appropriate for large trucks to routinely use it for thoroughfare. Many people also use the canyon road for running, walking, biking and skateboarding, etc. Large dump trucks and other utility vehicles would make these kinds of activities in the serenity of the canyon treacherous.

Please show your responsibility to and respect for our community and its members by preserving the lifestyle and beauties of our Smithfield Canyon by not allowing projects such as this to proceed.

Thank you for your time,
Trudy Peterson

Sent from [Mail](#) for Windows 10

Public Comment #8
Attachment B**Angie Zetterquist - Shawn conquist cup project**

From: Jeanne Layne <yeoldewinnmill@yahoo.com>
To: "angie.zetterquist@cachecounty.org" <angie.zetterquist@cachecounty.org>
Date: 7/1/2020 2:40 PM
Subject: Shawn conquist cup project

Dear Angie my name is Jeanne Layne I live at 395 North 200 East in Smithfield. This letter is about the Cronquist construction company wanting to run trucks down 4th North as somebody that lives on this street we already see enough big dump trucks and other heavy construction equipment driving up and down this road . I feel that this is too much traffic of that type of traffic to be driving up and down the road . We prefer not to have it.

[Sent from Yahoo Mail on Android](#)

**Public Comment #9
Attachment B****Angie Zetterquist - Shawn Cronquist CUP Project questions & concerns**

From: Jennifer Eden Clark <sun.e.spot@gmail.com>
To: <angie.zetterquist@cachecounty.org>, <devservices@cachecounty.org>
Date: 7/1/2020 2:57 PM
Subject: Shawn Cronquist CUP Project questions & concerns

Dear Cache County Council,

I would like more information regarding the Shawn Cronquist CUP Project.
Our biggest concern is what route will the trucks be taking to haul out the gravel?
Do they plan to use Canyon Rd then go up to Upper Canyon Road or use Canyon Road the whole way down?
How many trucks/loads a day are anticipated?
Could the trucks instead be routed over the hill on a new road to the highway?

We have several concerns related to any use of Canyon Road for any portion of the route.

Safety is our biggest concern for these reasons:

Width of the road, it is narrow

Public recreational use of the road by city and non-city residents for walking, biking, running, etc. by people of all ages from children to seniors. Already safety is somewhat of a concern, but with more big trucks using it more often, the danger increases.

Noise

Wildlife impact

Road wear from the big trucks

Thank you,

Jennifer, Gordon, and Marilyn-Chris Clark
525 Riverbirch Rd.
Smithfield, UT

Public Comment #10
Attachment B**Angie Zetterquist - Gravel extraction project**

From: Brock Freidenberger <brock_f@hotmail.com>
To: "Angie.Zetterquist@cachecounty.org" <Angie.Zetterquist@cachecounty.org>
Date: 7/1/2020 3:24 PM
Subject: Gravel extraction project

I hope I speak for all of us when I say I oppose the proposal for this gravel extraction project near our property. First and foremost, this is a residential area meaning there are children. If this project were to move forward we would completely disregard the SAFETY for our children. Narrow roads, blind corners, heavy equipment, machinery, and small children in a RESIDENTIAL area is a recipe for disaster. This alone should cease and desist this proposed project at once. Not only is canyon road a place for families, but it is also a place for recreational use; bikers, joggers, walkers and everything in between. Once again, it boils down to safety of Smithfield citizens. Oversized, heavy equipment on a narrow canyon road in a nice, quiet residential area should not be even a discussion in the planning commission meeting.

Get [Outlook for Android](#)

Public Comment #11
Attachment B

From: jennifer austin <jenparker66@yahoo.com>
To: <Angie.zetterquist@cachecounty.org>
Date: 7/1/2020 3:37 PM
Subject: Gravel pit

I was notified of a gravel pit going up smithfield canyon and was told to respond by 5pm today regarding this have big concerns with the truck traffic up that canyon for being already narrow I was actually ran off the road by a big dump truck with backhoe on trailer behind I'm literally had nowhere to go and had \$1600 damage to my truck truck was he given no ticket to the truck for no front runner car ! The corners up that canyon you cannot see around them plenty of times joggers bikers people walking dogs and close calls because of the limited view with narrow road so with big trucks going up and down there is a huge concern I've drove that canyon for now on 25 years and always had to be very cautious ! This should be a huge concern To allowing this gravel pit!
Sent from my iPhone

Public Comment #12
Attachment B**Angie Zetterquist - Gravel quarry**

From: Pam Logan <rucky840@att.net>
To: "angie.zetterquist@cachecounty.org" <angie.zetterquist@cachecounty.org>
Date: 7/1/2020 3:50 PM
Subject: Gravel quarry

Angie

My husband and I live on Canyon Road and there are already enough gravel/rock trucks coming by our home all work days. Another quarry coming from up further in the canyon would only compound the traffic, even if they went via Upper Canyon. This is a beautiful canyon and so many people walk it with their families, bike it, Cross-Country Team at Sky view runs the canyon. Just not a good idea.

We vote NO

Pam Logan

Glen Stribling

610 Canyon Road

Smithfield, UT 84335

Sent from [Mail](#) for Windows 10

Public Comment #13
Attachment B

From: Destry Cronquist <ihcdestry@gmail.com>
To: <Angie.zetterquist@cachecounty.org>
Date: 7/1/2020 3:53 PM
Subject: Cronquist gravel permit

Sent from my iPhone This I Destry Cronquist. I was pretty much born and raised up Smithfield canyon my whole life. I've watch the traffic increase bikers,walkers and so forth increase. Its a dangerous road as is. to be allowing big trucks on there would be Suicide.I think this permit should be denied. Besides this we have videoed in the past and seen the dust cloud these trucks bring down onto the adjoining Cronquist property. Not to mention the kids, grandkids that play in that area daily.

**Public Comment #14
Attachment B****Angie Zetterquist - Conditional use permit application by Shawn Cronquist to operate a gravel extraction operation on 178.20 acres located in the Agricultural (A10) zone**

From: Ron Munger <ronmunger@comcast.net>
To: "angie.zetterquist@cachecounty.org" <angie.zetterquist@cachecounty.org>
Date: 7/1/2020 4:20 PM
Subject: Conditional use permit application by Shawn Cronquist to operate a gravel extraction operation on 178.20 acres located in the Agricultural (A10) zone

1 July 2020

To: Cache County Planning Commission
c/o angie.zetterquist@cachecounty.org

From: Ron Munger
725 Canyon Road
Smithfield, Utah 84335
Email: ronmunger@comcast.net
Tel: [435-563-8762](tel:435-563-8762)

Subject: Conditional use permit application by Shawn Cronquist to operate a gravel extraction operation on 178.20 acres located in the Agricultural (A10) zone

I am writing to express my concern that increased heavy gravel truck traffic on Canyon Road in Smithfield, now a densely populated residential area, would raise serious health, safety, and legal issues. These threats could be avoided by use of an alternative truck route through an existing private road. Previously the Cronquist gravel operation trucks (Birch Creek Landscaping) were required to use a private road on their property that extended directly west through the adjoining Meikle farm, rather than traveling on Smithfield Canyon Road. If the Planning Commission made use of this private road a requirement for issuing a conditional use permit to Shawn Cronquist, instead of allowing the heavy trucks to be running on light-duty public Smithfield Canyon Road, many serious health, safety, and future legal issues could be avoided.

Sincerely,

Ron Munger

Public Comment #15
Attachment B

From: Whitney <whitneyarchibald@ymail.com>
To: <angie.zetterquist@cachecounty.org>
Date: 7/1/2020 5:00 PM
Subject: Project Name: Shawn Cronquist CUP

To whom this concerns,

We as residents along Upper Canyon Road in Smithfield are strongly against the request of this project. This area is highly used for leisure, recreational use and supplies a home to MANY, MANY young children and elderly. The safety of residents despite the age range, should be first priority.

We support businesses open and opening but, the use of this road for gravel pit trucking is imposing to the peace of this area, recreational, leisurely activities and to all residents.

Thank you,
W. Archibald

Public Comment #16
Attachment B

From: Shelly Balentine <shellybalentine14@gmail.com>

To: <angie.zetterquist@cachecounty.org>

Date: 7/1/2020 5:01 PM

Subject: Hi my name is Shelly Cronquist Balentine I grew up at Smithfield Canyon as the years have gone by the Canyon has really grown there are several joggers and bikers mothers pushing their children in strollers that road is not wide enough for two cars to pass them let alone a dump truck full of gravel I really feel That if this permit for Sean Cronquist gets approved this could be suicidal. In the years past my mom Rhonda Cronquist who is deceased now had several videos when Robert Cronquist was hauling down that same road the dust for the people below is horrible plus we have grandkids kids nieces and nephews that play right next to that road either in a field or on my sisters lawn. Please consider this email When weighing the pros and cons on this gravel pit thank you very much.

Sent from my iPhone

Public Comment #17
Attachment B**Angie Zetterquist - Fwd: Sean Cronquist CUP**

From: Linda Low <1947lindalow@gmail.com>
To: "angie.zetterquist@cachecounty.org" <angie.zetterquist@cachecounty.org>
Date: 7/1/2020 5:02 PM
Subject: Fwd: Sean Cronquist CUP

I agree with Jessie Datwyler. In addition, the previous trucks from Facers have ruined the road and fill our homes with dirt. Also, since coming down Canyon Road is downhill and by the time they get to my house, 490 Canyon Rd, they are going dangerously fast. There is no way they could stop in time to miss a child, pet, bicyclists, jogger, etc.

I say "NO" to the proposal.

Linda Low

----- Forwarded message -----

From: Jessie Datwyler <momdat@gmail.com>
Date: Wed, Jul 1, 2020 at 2:05 PM
Subject: Sean Cronquist CUP
To: <angie.zetterquist@cachecounty.org>

Dear Angie,

I was just informed that Jeff Nielsen is trying to get a permit to haul gravel up and down the canyon. This canyon is a refuge for walkers, runners, bicyclists, and children playing. It would be dangerous to put heavy trucks into that mix.

I would put a "NO" vote to this proposal.

Thank you for your consideration.

Sincerely,

Jessie Datwyler

Smithfield Canyon Resident

Public Comment #18
Attachment B

From: Michael Nicholls <michael.nicholls@usu.edu>
To: "angie.zetterquist@cachecounty.org" <angie.zetterquist@cachecounty.org>
Date: 7/1/2020 5:04 PM
Subject: Conditional use permit application by Shawn Cronquist to operate a gravel extraction operation

I second the concerns expressed to you in a separate email from Ron Munger. We live on Canyon Road just inside the Smithfield City limits and already have heavy truck traffic out of Birch Green Canyon. The area is now much more heavily travelled than in the past with all the new homes. In addition, there are several places up the canyon close to Summit Creek that would not bear the heavy truck traffic without collapsing into the creek. Please examine the road just above where the Sorenson's have recently built a home. In the interests of our safety and in light of the potential costs to the road (and us taxpayers) I ask that this request be examined with the closest scrutiny and greatest care. Thank you

Michael L. Nicholls
825 Canyon Road
Smithfield, UT 84335

Public Comment #19
Attachment B**Angie Zetterquist - Shawn Cronquist CUP**

From: Ryan Dupont <ryan.dupont@usu.edu>
To: "angie.zetterquist@cachecounty.org" <angie.zetterquist@cachecounty.org>
Date: 7/1/2020 5:06 PM
Subject: Shawn Cronquist CUP

Dear Angie;

I live adjacent to the parcel that Shawn Cronquist is asking for a CUP to operate a large gravel pit and I have quite a number of concerns regarding the operation. We have lived at our current address, 1900 Canyon Road, Smithfield, for nearly 30 years, and some 20 years ago a gravel operation in what I believe is the same location was the source of a large number of concerns related to noise, dust, and especially traffic on the narrow Canyon Road. At the time we understood there were accommodations made to move the gravel via a road up on the ridge behind our house to connect to Upper Canyon Road in Smithfield so the large double trailer trucks were kept off Canyon Road. In order for me to be better informed regarding the current request for the new CUP I am hoping I would be able to receive Mineral Extraction and Excavation plan for the operation that is supposed to be part of their CUP request. Could you please let me know how I obtain a copy of the Master Plan provided by Shawn Cronquist for this CUP request? Thanks in advance for your help regarding this matter. I would appreciate very much to receive this Master Plan as soon as possible as the Public Meeting is scheduled for July 9, little more than a week from today.

Best regards. Dr. RR Dupont

Dr. R. R. Dupont

Professor of Civil and Environmental Engineering

Utah Water Research Laboratory

Utah State University

8200 Old Main Hill

Logan, UT 84322-8200

Public Comment #20
Attachment B

From: Marilyn Chris Clark <rtmcclark@comcast.net>
To: <angie.zetterquist@cachecounty.org>, <devservices@cachecounty.org>
Date: 7/1/2020 8:38 PM
Subject: Shawn Cronquist CUP Project questions and concerns

Dear Cache County Council,

Our family letter, seen below, expresses our questions and concerns regarding the Shawn Cronquist CUP Project.

I would like to add my more personal observations.

My husband Ralph's family came to Smithfield in 1929 when Ralph was three years old. I came as a transfer from BYU, met Ralph and graduated from USAC. We later married and had five children. After some years away, Ralph was invited to join the USU faculty, and we've spent the last 56 years living in and loving Cache Valley and Smithfield. Our home has been in Smithfield Canyon for 52 years.

There's only one Smithfield Canyon. Everyone who loves it in their various ways wants to protect, preserve, and maintain it as a treasure now and for the future.

It would have been wise in the past to foresee a plan for safe walking and biking paths in Smithfield Canyon. Decisions were made in the past that make that possibility even more challenging in the present.

Detrimental decisions can result in sad outcomes. It is hard, in fact impossible, to please everyone. Owners feel they have the right to do what they want with their property, especially when it involves their livelihood and income. "Rights" are also in play as it applies to neighbors and citizens using private and public lands.

"Old Timers", and those who came later, have seen huge changes. People's habits, needs for exercise, vehicles, recreational time and equipment, and when and where they can rightfully and responsibly be used have evolved dramatically and sometimes controversially.

Smithfield Canyon has experienced all of the above and more because of its beauty and accessibility. Wonderful things have been done to maintain and improve the canyon, but some past decisions are still questioned.

Decisions such as these are usually final, with little recourse for reversal.

With the future of Smithfield Canyon and the peace and safety of its residents and visitors in the balance, please carefully consider all possibilities and alternate proposals.

Thank you for your dedicated work for our community!

Marilyn Christensen Clark
525 Riverbirch Road
Smithfield, UT

Dear Cache County Council,

I would like more information regarding the Shawn Cronquist CUP Project.

Our biggest concern is what route will the trucks be taking to haul out the gravel?

Do they plan to use Canyon Rd then go up to Upper Canyon Road or use Canyon Road the whole way down?

How many trucks/loads a day are anticipated?

Could the trucks instead be routed over the hill on a new road to the highway?

Public Comment #20
Attachment B

We have several concerns related to any use of Canyon Road for any portion of the route.

Safety is our biggest concern for these reasons:

Width of the road, it is narrow

Public recreational use of the road by city and non-city residents for walking, biking, running, etc. by people of all ages from children to seniors. Already safety is somewhat of a concern, but with more big trucks using it more often, the danger increases.

Noise

Wildlife impact

Road wear from the big trucks

Thank you,

Jennifer, Gordon, and Marilyn-Chris Clark
525 Riverbirch Rd.
Smithfield, UT

Public Comment #21
Attachment B**Angie Zetterquist - Gravel Pit on Canyon Road in Smithfield**

From: Jamie Anderson <janderson@smithfieldcity.org>
To: "angie.zetterquist@cachecounty.org" <angie.zetterquist@cachecounty.org>
Date: 7/1/2020 9:26 PM
Subject: Gravel Pit on Canyon Road in Smithfield

I want to comment of on the proposed gravel pit at 1929 Canyon Rd in Smithfield. This is currently zones as agricultural and should stay that way. The problem with a gravel pit in this location is the access and the potential burden on city roads of trucks coming into and out of the gravel pit. Please take this into account the burden of the truck loads on city streets that were not designed for that purpose. Canyon Road in this location is also very narrow and it is used by bikers and joggers as well as an access point to campgrounds and hiking trails in Smithfield Canyon. Please deny this request due to the undue burden on city roads and the potential safety hazards.

Sent from my iPad

Public Comment #22
Attachment B**Angie Zetterquist - Shawn Cronquist CUP**

From: Alison Fluckiger <afluckiger74@gmail.com>
To: <angie.zetterquist@cachecounty.org>
Date: 7/1/2020 10:25 PM
Subject: Shawn Cronquist CUP

Dear Cache County Council,

We are sending this email in response to the notice of a request to operate a gravel extraction operation located at 1929 Canyon Road, Smithfield. We are not opposed to the gravel pit. Our concern is the additional traffic that it may add to 400 North in Smithfield. This road is already busy. Stakers/Parson's trucks have been forced to use this road. There has also been a lot of traffic from the construction vehicles and all the residents living and building on upper canyon road that connects to 400 North. Parts of 400 North are narrow without a sidewalk and it is a popular road for walkers and bikers. We often worry about people enjoying these activities getting hit by vehicles as the traffic increases.

Will you please consider the impact of additional traffic and explore alternate routes?

Sincerely,

Paul and Alison Fluckiger

Public Comment #23
Attachment B

Angie Zetterquist - Request to operate a gravel extraction operation in Smithfield by Shawn Cronquist.

From: Patty/Mark BINGHAM <BINGHAM403@msn.com>
To: Angie Zetterquist <angie.zetterquist@cachecounty.org>
Date: 7/1/2020 11:20 PM
Subject: Request to operate a gravel extraction operation in Smithfield by Shawn Cronquist.

To whom it may concern,

We are concerned about this proposed gravel extraction operation in Smithfield by Shawn Cronquist. The road we live on, 400 North, already has heavy traffic from big trucks from Parson's and Facer's from very early in the morning all through the day. There is also increased traffic from the subdivisions built east of us. Many families in the area use this road to go walking/running, individually or with their family. The increased traffic from large trucks could make walking/running on our road less safe. Please consider these issues when making a decision.

Sincerely,

Mark and Patty Bingham
180 E 400 N
Smithfield

**Public Comment #24
Attachment B****Angie Zetterquist - Shawn Cronquist CUP - gravel extraction Smithfield Canyon**

From: "momdukes47@yahoo.com" <momdukes47@yahoo.com>
To: Angie <Angie.zetterquist@cachecounty.org>
Date: 7/2/2020 7:11 AM
Subject: Shawn Cronquist CUP - gravel extraction Smithfield Canyon

It is my understanding that any comment on this was due yesterday. I hope this will be considered since we were only made aware of it late yesterday. I am Debora Seiter and I live at 1531 Canyon Road which is very close to Mr Cronquist's home.

My husband and I have lived on Smithfield Canyon for 25 years. ANYONE who has lived in the canyon knows how very precarious this canyon is to drive with its many blind curves and hills. There are many overgrown shrubs. Many times there are branches in the road. And the traffic has increased tremendously because of all the new homes being built. PLUS there are already gravel trucks traveling along the road because there is already a gravel company. Besides the cars on this road Smithfield Canyon has bike riders, runners, and moms and dads with babies in strollers, and teens from Skyview practicing long distance running. There are Health Days fun runs and Canyon clean ups. And at the end of Canyon Road is a National Forest where folks camp and a hiking trail that is considered one of Utah's most beautiful places.

ANYONE who lives on Canyon Road knows for themselves what it is like to dodge the kids on the skateboards. And now they want to start putting more big trucks on these small roads? That's irresponsible.

I would like the planning committee to take a drive on Canyon Road and decide how safe it is. The road is too narrow, winding and busy to accommodate more gravel trucks.

Thank you for your consideration

Debora and John Seiter

Sent from my iPhone

Public Comment #25
Attachment B**Angie Zetterquist - Gravel pit**

From: Tenniel Hoth <tennielhoth@yahoo.com>
To: <angie.zetterquist@cachecounty.org>
Date: 7/2/2020 7:16 AM
Subject: Gravel pit

Angie,

I am writing to contest the application for a gravel pit on 1929 Canyon Road. It would cause too much sound pollution. Also it would cause too much traffic for the residents near there.

Tenniel Furtaw

Smithfield Resident

[Sent from Yahoo Mail for iPhone](#)

Public Comment #26
Attachment B**Angie Zetterquist - Comment Regarding Project: Shawn Cronquist CUP**

From: Allyson Shirley <allyshirley@gmail.com>
To: <ANGIE.ZETTERQUIST@cachecounty.org>
Date: 7/1/2020 12:06 PM
Subject: Comment Regarding Project: Shawn Cronquist CUP

Members of the Planning Commission of Cache County,

My name is Allyson Shirley and I reside at 496 N 680 E, Smithfield, UT 84335. I'd like to make a comment regarding Project: Shawn Cronquist CUP, that is slated to be discussed in your upcoming July 9, 2020 meeting. I am very concerned about the potential of heavy machinery traveling on Upper Canyon Road. This residential area is growing rapidly. Many young families with children have moved in, and I feel it would be very dangerous to have heavy equipment/machinery traveling up and down Upper Canyon Road. I ask that you require this project to find a safe, alternative route that does not include Upper Canyon Road. I plead that you highly consider the safety of the children in our community.

Sincerely,
Allyson Shirley
[435-764-3464](tel:435-764-3464)

**Public Comment #27
Attachment B**

Angie Zetterquist - Fwd: CUP application by Shawn Cronquist

From: Kim Cronquist <kcronquist@msn.com>
To: <angie.zetterquist@cachecounty.org>
Date: 7/1/2020 1:00 PM
Subject: Fwd: CUP application by Shawn Cronquist

Kim Cronquist

Begin forwarded message:

From: Berniece Cronquist <berniec_137@msn.com>
Date: July 1, 2020 at 11:50:59 AM MDT
To: kim cronquist <kcronquist@msn.com>
Subject: FW: CUP application by Shawn Cronquist

Sent from [Mail](#) for Windows 10

From: [Berniece Cronquist](#)
Sent: Wednesday, July 1, 2020 11:49 AM
To: angiezetterquist@cachecounty.org
Subject: CUP application by Shawn Cronquist

Public Comment #27
Attachment B



Public Comment #27
Attachment B



Public Comment #27
Attachment B



I was very upset when we got the letter from the county on this application. We have dealt with thier heavy equipment and gravel trucks for years. I watched my sister in law suffer greatly because of them. The dust they create along with the level of noise those trucks create is very hard to live with. I know that Terry Cronquist filed a suit against Shawn's father to shut down the gravel trucks a few years ago because of his wife's health. I know that the judgment went in Terry's favor and Robert had to stop hauling gravel down past their home. When my father in law applied to have his gravel removed and hauled out the county would not let him haul it out down Smithfield Canyon. He had to make other arraignments to haul it out another route. Now that Terry's daughter has cancer, it will be a great hardship on her health to have those gravel trucks drive past her home, which is where the route is planned to drive them out. I too have cancer and I am very concerned about the dirt, dust and noise involved with these trucks. I have lived through them trying to haul gravel out before and we have successfully stopped them to an extent. They convinced the county that they only had to haul out a certain amount of gravel and we kept track of the trucks going out. The problem was that they hauled out a lot more loads than they agreed to take out. The county can't babysit them and they push the limits.

I also fear for all the people that walk, jog, and bike up and down Smithfield Canyon. The federal government will not even deliver mail up here to us in the canyon because they stated the road is "too narrow and windy" to safely drive their postal service vehicles up and back. We have so many joggers and bikers that I fear there will be many injuries or even deaths if they have to dodge gravel trucks too. Driving our personal vehicles up and down the canyon, we encounter many bikers and walkers that don't stay on their side of the road and now we have a lot of kids that long board down the canyon right past where those gravel trucks will be pulling out onto the road. I have personally dodged many bikes and long boarders driving this canyon. There have been many close calls in the recent past. Last week I narrowly missed 3 bikers that were coming down the canyon at a high speed. I drive slowly because I have encountered these bikers before. I'm afraid of what would happen if it was a big gravel truck.

Public Comment #27
Attachment B

Also since we have dealt with Shawn and his father Robert for many years, we know how they push the laws to the limit and without constant supervision they will abuse the law. I'm speaking from personal experience, not hearsay. Their gravel pit they want to open, by the way, borders our property above the homes. They have all ready been hauling gravel out of it for a while now. It has opened up quite a large area. The pictures I have included are of the so called gravel pit he wants to open up. The area in question has grown "open" by at least 6-7 times bigger than it ever was in the past. We are very concerned about having a gravel pit right across the fence from ground that we use quite a bit. These pictures were taken from our side of the fence. We are in the process of planning a 3 home subdivision on that ground we own and we are not interested in having a noisy dusty gravel pit in my back yard. I sincerely question the reasoning stated for hauling the gravel out. They do not have a good track record for telling the truth and abiding by the rules set down.

It's very hard having cancer and dealing with all the side effects the treatments cause. But the noise and the dust are extremely hard to deal with. I have horrible headaches and those trucks the rest of their equipment they bring down that road are very loud.

I really hope we can stop this from going through. If not for my health and the health of my niece, but for all the people who use his canyon and will now be in danger of those gravel trucks.

Berniece Cronquist.
berniec_137@msn.com

Sent from [Mail](#) for Windows 10

1 July 2020

For the Cache County Planning Commission, regarding a conditional use permit application by Shawn Cronquist for yet another attempt to expand gravel mining above and along Smithfield Canyon Road.

In 1997-8, legal action (by Robert O. “Ollie” Cronquist and Elam Terrell “Terry” Cronquist) was taken that stopped the gravel operation by Robert Cronquist in the same area now included in Shawn Cronquist’s application. The issues brought out in that legal action centered on dust and on safety issues with a private road leading down from the pit to Smithfield Canyon Road. The certainty of renewed legal actions, as well as road hazards and the deterioration that will accrue on Canyon Road, would seem to be sufficient reasons to deny a conditional use permit to reopen and expand that gravel operation by Shawn Cronquist, the son of the previous operator.

In particular, in any case, hauling rock in heavy trucks along Smithfield Canyon Road, a public right of way, represents a serious set of dangers, which at the very least could be avoided by utilization of an alternative: an existing private road.

Parts of Smithfield Canyon Road in the unincorporated county are already cracking—and some of its edge has broken off and fallen down the adjacent steep slope into Summit Creek (see the photos below)—especially after traffic by cars, pickup trucks, ATVs, and occasional larger trailers has significantly increased since the start of the COVID-19 pandemic. Current vehicle numbers on nicer afternoons have reached or exceeded one per minute. This inherently thin and shoulder-less pavement would undoubtedly deteriorate further, and much more quickly, if gravel trucks, with their much heavier basic weight and substantial loads, would be allowed to regularly use Canyon Road.

In addition, Smithfield Canyon Road can *never* be made compatible with frequent use by gravel trucks (at least at reasonable public cost or related impacts), because of its narrow width, multiple blind curves, sharply sloping edges down to Summit Creek, steep upward slopes on the opposite side, and its intensive recreational use by walkers (including families with children in strollers and dog walkers), joggers, bicyclists, skateboarders, and motorcyclists.

In its brief past use, the Cronquist operation (under the misleading name Birch Creek Landscaping) was required to utilize a private road on their property that extended directly west through the adjoining Meikle farm, rather than running rock or gravel trucks on Smithfield Canyon Road. If the Planning Commission made use of this private road a requirement for issuing a conditional use permit to Shawn Cronquist, instead of allowing the heavy trucks to be running on light-duty public Smithfield Canyon Road, one set of serious problems could be avoided.

A bit of history and perspective:

Canyons are isolated from nearby wider places, and they concentrate effects from activities within them, as well as being difficult areas for mechanized transportation. That relative isolation favors their use for recreation, with its associated retreat from the noise and bustle of everyday life. Their inherent noise concentration makes industrial activity potentially disastrous for individuals within the canyon, as well as for public welfare.

The key question here is why allow a previously closed down (for public safety reasons), potentially major rock extraction operation within such an area, especially if allowing a haul operation along a dangerously inadequate public road when a more reasonable private option

exists. What follows is a photo from an opposite elevation of the proposal location, with the private road from it leading straight to the left (red dotted line), and with Smithfield Canyon Road winding nearly invisibly among the trees along the canyon bottom.



As a personal connection, in 1993, we purchased a home in an unincorporated part of Cache County, on a half-acre property adjacent to Smithfield Canyon Road, near the point where it enters its geographically narrowing part above the city limit, only after carefully researching its situation. The entire area was zoned for “agriculture and recreation”, as it has remained. There had been a couple of very small visible excavations for gravel extraction, which had clearly been long since abandoned, a few miles farther up the road. These fell under a state law that stated if operations had ceased for more than two years, they could not be restarted or expanded, at least without a full-scale environmental review.

At that time, traffic flows on the consistently narrow (by contemporary standards), paved part of this dead-ending road averaged no more than four cars per hour. Active grazing or other agricultural use was very limited. That required, as it still does, infrequent road use by just a few livestock or hay trucks and tractors each year.

Despite there being many more rational sources for gravel extraction in the county, late in the very next year Robert Cronquist started an at-first modest venture to open what was essentially a brand new pit on his property, with much of the gravel hauling done by Lloyd Facer and then the Parson operation.

By the middle of 1995, heavy truck hauling in Smithfield Canyon Road had reached 300 loads per day. This, not unexpectedly, was quickly destroying the thin pavement on the existing road, spewing massive quantities of dust and other pollutants into the air, leaking hydraulic and other toxic fluids directly into springs that are part of Smithfield City's water supply. It involved significantly exceeding the posted speed limits by the least appropriate vehicles to do so, and

generating noise levels (measured on the center of our property) that reached 96 decibels—a number which equaled the legal limit for a Boeing 747 quadruple jet engine airplane during takeoff. These gravel trucks also created more-immediate active hazards on Canyon Road, including—on several occasions—running oncoming school buses and neighbors off this much too narrow road for heavy commercial traffic. The topography is such that Smithfield Canyon Road simply cannot be widened, with shoulders constructed along it, or otherwise be reconfigures to address any of those issues without immense expense to the county and the public.

My professional background in systems engineering had, during that time, involved me in the center of reviewing fine details within full Environmental Impact Statements for major expansions in petroleum extraction and public road reconstructions in Wyoming. For traffic similar to what is proposed by Shawn Cronquist for Canyon Road, the absolute minimum requirement for heavy truck use of any roadways was two 14-foot-wide lanes, both with multiple-layer rock construction underneath, and 10-foot-wide shoulders on both sides. These were needed not just for safety, but also to adequately stabilize the road surface.

In Smithfield Canyon, paved lane widths on Canyon Road were (and still are) at most just 11 feet. The pavement is quite light asphalt, which was laid directly on top of unconsolidated, flood-deposited mixed earth and gravel, and essentially has no shoulders at all. For most of its length, there is no reasonable possibility for constructing either wider lanes or creating shoulders.

That situation and more led to several state and local agencies requiring trucks hauling gravel from the Cronquist pit to transfer their route from Smithfield Canyon Road to the shorter, more direct (to most potential uses of either gravel or rock), and more sensible private road that runs directly west from the pit itself. This alternative parallels Canyon Road to the north. As I understood it, the Mikel family charged the trucks either a nickel or 50 cents a load to pass through the section of land they owned. That is a sum far less than the cost of the damage that each load would do to the public road, without considering other impacts of its use.

As an even better alternative, there are many other simpler-to-access potential and/or active gravel and rock sources located all around the ancient Lake Bonneville shorelines that ring Cache County's flatter areas.

So far during our years in residence, only one person has been killed and several seriously injured on Smithfield Canyon Road, but its limited sight lines, combined with increasing general driver carelessness, absolutely guarantee further readily measurable safety concerns.

The current road situation, illustrated:

The photos that follow were collected during a single Sunday morning's walk.

The first is the intersection of Upper and Lower Smithfield Canyon Roads—which offers a blind meeting for traffic on both roads—looking east from the perspective of traffic heading up canyon. Note the broken-up pavement edge, leaving less than an 8-foot-wide travel lane. The wooden fence in the photo has a sharp 10-foot drop-off immediately behind it.



The second photo looks west, towards the 11% grade section of Upper Canyon Road, the pathway gravel trucks used during the previous Cronquist operation. Note the total invisibility of anything just beyond the rise (and typical pedestrian behavior). In its current common use, vehicles routinely travel both up and down this very steep grade at a quite high rate of speed.



The third was taken at the base of the next blind section, a quarter of a mile up canyon, and includes a private driveway entering from the right in this image, which receives quite a bit of use, that is nearly invisible to traffic coming from both directions on Canyon Road.



The fourth photo reveals an upcoming major booby prize. Seen approaching this portion of Canyon Road from the west, there is a sloppily repaved covering over an underground spring along the steepest grade. A seemingly little cutout section, indicated by the striped warning sign, is anything but trivial, as the next photo should begin to reveal.



It's about 20 feet, nearly straight down, to Summit Creek (to the right), from where a significant part of the road's support is surely giving way, which it would do ever so much faster if heavier trucks start pounding it routinely. Big bucks eventually are going to be required to continue any vehicular passage through this section of Canyon Road, but at least such massive repairs can be delayed if routine use by gravel trucks is shunted to a private road.

The sharply descending slope at the edge of the road—again, nearly 20 feet or so down to the stream at this point—is visible as the dark area at the very top center of the image below. My foot is included here, a for scale of distances and angle, to underline that depth. Undercutting by Summit Creek has far exceeded the angle of repose (i.e., the angle before a slope starts to collapse) for the soil that currently supports the road here. The cracks indicate where significant movement towards collapse is already occurring. I won't even walk on this part of the pavement.



The following photo, of an area just farther east than the previous drop-off, has a feature that may not be quite as obvious to the casual eye. The last time I looked more carefully through the covering vegetation, there was still a shattered windshield at the bottom, a leftover from one of the more serious driver mistakes on Canyon Road (so far).



The final photo addresses the downhill visibility on a corner just above the previous image, noting an ATV in what has become typical use (dead center on the road). It, like vehicles piloted by other inexperienced drivers, was traveling at more than twice the posted speed limit. If a big gravel truck, especially one with a driver who is bored from making many routine runs, had the same view as I had walking towards this point, a much deader center splot in the road would result.



In Sum:

Gravel hauling is not just practically inappropriate on Smithfield Canyon Road. It would significantly contribute to ruinously expensive road repairs that Cache County would be required to make. Last, but far from least, it would directly endanger the public and would, with absolutely certainty, literally become murderous to others on the road. A saner alternative is to require Shawn Cronquist's gravel operation to use the existing private road from the pit, not Smithfield Canyon Road. The best would be to simply deny the permit.

Terence Yorks, Ph.D.
olorin@hlresearch.org



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Watershed Sciences

Wetland Resources

Wildlife Resources

June 25, 2020

Attention: Mr. Dan Lockwood
4776 East 2600 North
Eden, UT 84310

Subject: Davenport Creek Irrigation and Stock Water Pond Construction

Dear Mr. Lockwood:

This report is intended to provide you with a summary of existing conditions, and a professional opinion of potential U.S. Clean Water Act and the State of Utah Stream Alteration permitting implications associated with the construction of the irrigation and stock watering pond along Davenport Creek, at the Whisper Ridge Mountain Holdings, LLC (Whisper Ridge) property. The project area is located approximately 8.5 miles southeast of the town of Avon in Cache County, Utah. The coordinates of the project area are latitude, 41° 25' 13.46" North, and longitude, 111° 44' 44.96" West. A U.S. Geological Survey Topographic Map illustrating the project area is attached to this report.

This summary report is written with the understanding that the project area is part of an existing and on-going agricultural operation (cattle ranch), which can be an important factor in discussing U.S. Clean Water Act permitting implications. Specifically, Section 404 (f) (1) of the U.S. Clean Water Act provides a list of activities that are exempted from permit requirements. These exemptions will be discussed later in this report. It is important to remember that this report provides my best professional opinion as a Professional Wetland Scientist. The conclusions provided in this report are based on my interpretation of regulations and my past experience on projects similar to this, and they do not represent any legal finding. An official legal position on the nature of the activity would need to be provided by the U.S. Army Corps of Engineers (USACE), Regulatory Branch out of Bountiful, Utah, and/or the State of Utah Division of Water Rights in Salt Lake City. The two pertinent regulations referenced in this report are;

The U.S. Clean Water Act, 33 U.S.C. §1251 et seq. (1972),
and

The Utah Stream Alteration Program, Section 73-3-29 of the Utah Code (1972).

Background and Estimation of Pre-Construction Conditions

BIO-WEST began providing environmental consultation to Whisper Ridge in December 2019. At that time, Whisper Ridge requested that BIO-WEST investigate and provide a professional opinion on the recent construction of an irrigation and stock water pond on Davenport Creek in Cache County, Utah. BIO-WEST advised Whisper Ridge that it would be necessary to visit the project area after the snow had melted and the 2020 growing season was underway to properly document existing conditions. Prior to the project area visit, BIO-WEST downloaded existing available information from online sources including the available Google Earth Imagery from the years 1993-2018. Prior to the year 2006, the Google Earth Imagery does not clearly show the large beaver pond in existence. From 2006 through the last Google Earth Image available from September 2018, a beaver pond is clearly visible in the images. The new man-made pond was constructed in the summer of 2019 and is not visible on available aerial imagery. Based on the aerial imagery available, an estimate of conditions present prior to the summer of 2019 was developed. This map is attached and includes emergent wetlands, beaver pond open water, riparian wetlands, and Davenport Creek channel. BIO-WEST personnel did not visit the project area prior to the construction of the new pond so this estimation of resources represents my best professional judgement.

Existing Conditions Documented

I visited the site on June 10, 2020 with Mr. Dan Lockwood, the representative for Whisper Ridge. I collected data on the existing wetland and open water site conditions including sub-meter GPS location of wetlands, the constructed pond area, and Davenport Creek. The wetland data was collected in accordance with the *USACE 1987 Wetlands Delineation Manual* and the *USACE 2010 Western Mountains, Valleys, and Coast Regional Supplement to the Wetland Delineation Manual*. The stream and pond data were collected in accordance with the *USACE 2008 Field Guide to the Identification of the Ordinary High-Water Mark (OHWM) in the Arid West Region of the Western United States: A Delineation Manual*.

I spent several hours on the project area documenting the existing conditions. Existing wetlands were documented with standard wetland delineation sample points including hand excavated pits. Information on the project area vegetation communities and hydrology was also recorded. Photographs and GPS locations of all features were taken. An existing conditions map was created based on the data gathered during the project area visit (attached).

The results of the investigation into the project area conditions indicate that prior to the construction of the irrigation and stock water pond, the project area contained 463-linear feet of Davenport Creek, approximately 0.23-acres of palustrine emergent wetlands, approximately 0.41-acres of riparian wetlands, and 0.16-acres of open water beaver pond. Following the construction of the irrigation and stock water pond, the project area contained 463-linear feet of Davenport Creek (unchanged), 0.13-

acres of palustrine emergent wetlands (loss of 0.1-acre), 0-acres of riparian wetlands (loss of 0.41-acres), and 0.55-acres of open water (gain of 0.39-acres).

The construction of the pond appears to have resulted in the conversion of approximately 0.5-acres of wetlands to open water and uplands. The footprint of the aquatic resources present (including open water and wetlands) was reduced by approximately 0.1-acre overall.

Conclusions and Professional Opinion Discussion

The construction of the irrigation and stock watering pond in the summer of 2019 clearly impacted areas that are likely to be (or were) considered jurisdictional wetlands by the USACE. The beaver pond activity, as observed on the aerial photos from the years 2006-2019, clearly created wetlands within and surrounding the beaver pond. One important question to try and answer is, did this construction require a Section 404 Clean Water Act Permit and/or a State of Utah Stream Alteration Permit?

The following language is taken directly from the Federal Register Wetland Regulations;

“Pursuant to Section 404 of the Clean Water Act (33 USC 1344) and Federal Regulations (33 CFR 323.4(a)(3)), certain discharges for the construction or maintenance of farm or stock ponds or irrigation ditches have been exempted from requiring a Section 404 permit. Included in the exemption are the construction or maintenance of farm or stock ponds or irrigation ditches, or the maintenance (but not the construction) of drainage ditches.”

To qualify for the agricultural exemption the constructed farm or stock pond must meet two conditions;

- 1. First the construction of the pond must not utilize or introduce fill material containing toxic pollutants listed under Section 307 of the Clean Water Act,*
- 2. The purpose of the activity is to convert an area of the waters of the United States into a use to which it was not previously subject, where the flow or circulation of waters of the United States may be impaired or the reach of such waters reduced.*

It is my professional opinion that the construction of the irrigation and stock pond did not utilize any of the toxic pollutants listed under Section 307 of the Clean Water Act.

It is my understanding that the purpose of the construction of the irrigation and stock water pond was to utilize existing irrigation water rights in a more efficient way. Further, a reasonable argument can be made that the flow or circulation of the water source for the constructed pond has not been impaired because prior to pond construction a beaver pond impounded the same water source.

The pre-construction water circulation and flow entered Davenport Creek on the project area and the post-construction water circulation enters Davenport Creek on the project area.

It is my professional opinion that the reach of the wetlands formed by the beaver pond activities between the years 2006-2019, has been reduced by the construction of the irrigation and stock water pond. However, the overall extent of waters (including open water and wetlands in combination) was not reduced significantly (loss of approximately 0.1-acre) by the pond construction project. Further, it is likely that as the area around the new pond naturalizes and becomes saturated, some of the riparian wetlands will likely reform around the new construction area.

Given the arguments presented above, I believe a reasonable argument can be made that the construction of the irrigation and stock water pond could be considered an exempted activity for purposes of Section 404 Clean Water Act permitting under the existing agricultural exemptions within that law. Further, I have seen numerous similar small farm ponds constructed in my travels around Utah and the western U.S., and I do not believe that farmers are typically being required to obtain Section 404 Permits for the construction of these types of ponds. To reiterate a statement made earlier in this letter, the only way to know with certainty if this is an agriculturally exempted activity would be to consult with the USACE.

The Utah Stream Alteration Program, Utah Code Section 73-3-29, provides the following language;

“The Utah Code requires any person, governmental agency, or other organization wishing to alter the bed or banks of a natural stream to obtain written authorization from the State Engineer prior to beginning work”.

The construction of the pond did not alter the bed of Davenport Creek; however, construction along the bank line has altered a minimal area (less than 50 feet) of the bank line of Davenport Creek. The inflow water to the pond would likely not be considered a State regulated stream channel due to the multiple channel threads, the wetlands within the channels, and the fact that the flow ended at a beaver pond in the past. The small threaded channels and the off-site upstream spring water source are not illustrated as waters on the U.S. Geological Survey Topographic Map.

Given the arguments presented above, I believe a reasonable argument can be made that the construction of the irrigation and stock water pond could be excluded from requiring a State of Utah Stream Alteration Permit. Further, I have seen numerous similar small farm ponds constructed in my travels around Utah and the western U.S., and I do not believe that farmers are typically being required to obtain Stream Alteration Permits for the construction of these types of ponds. To reiterate a statement made earlier in this report, the only way to know with certainty if this project would require a stream alteration permit would be to consult with the State Division of Water Rights.

Summary

To summarize the main points of this report, it is my professional opinion that a reasonable argument can be made to the USACE and the State Division of Water Rights that the activities conducted along Davenport Creek to create the irrigation and stock water pond could be exempted or excluded from Section 404 Clean Water Act permitting and the State of Utah Stream Alteration permitting. The USACE and the State Division of Water Rights would need to be consulted to know with complete certainty if they were in agreement with this professional opinion.

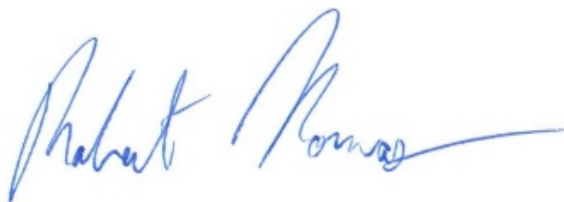
I would recommend that you not conduct any future activities of this nature without first consulting with these agencies. Anytime you are discharging fill material into potential Waters of the U.S., including wetlands, or you are working with heavy equipment within or adjacent to stream channels, I recommend you consult with these agencies prior to doing so to make sure a permit is not required. I would be happy to assist you and we have an excellent working relationship with the local USACE office and the State Division of Water Rights.

An additional point I would like to make is that if the constructed pond banks can be reseeded with native grasses and replanted with native trees and shrubs and allowed to naturalize over time, I believe the area will provide high quality fish and wildlife habitat.

If you have questions about this report I can be reached at (435) 752-4202 or bthomas@bio-west.com. I look forward to continuing work with you on this project.

Sincerely,

Robert Thomas

A handwritten signature in blue ink that reads "Robert Thomas".

Project Manager / Professional Wetland Scientist

Attachments:

U.S. Geological Survey Topographic Map Illustrating the Project Area
Pre-Construction Aquatic Resources Map
Existing Conditions Aquatic Resources Map
Photo Log of Existing Conditions on June 10, 2020

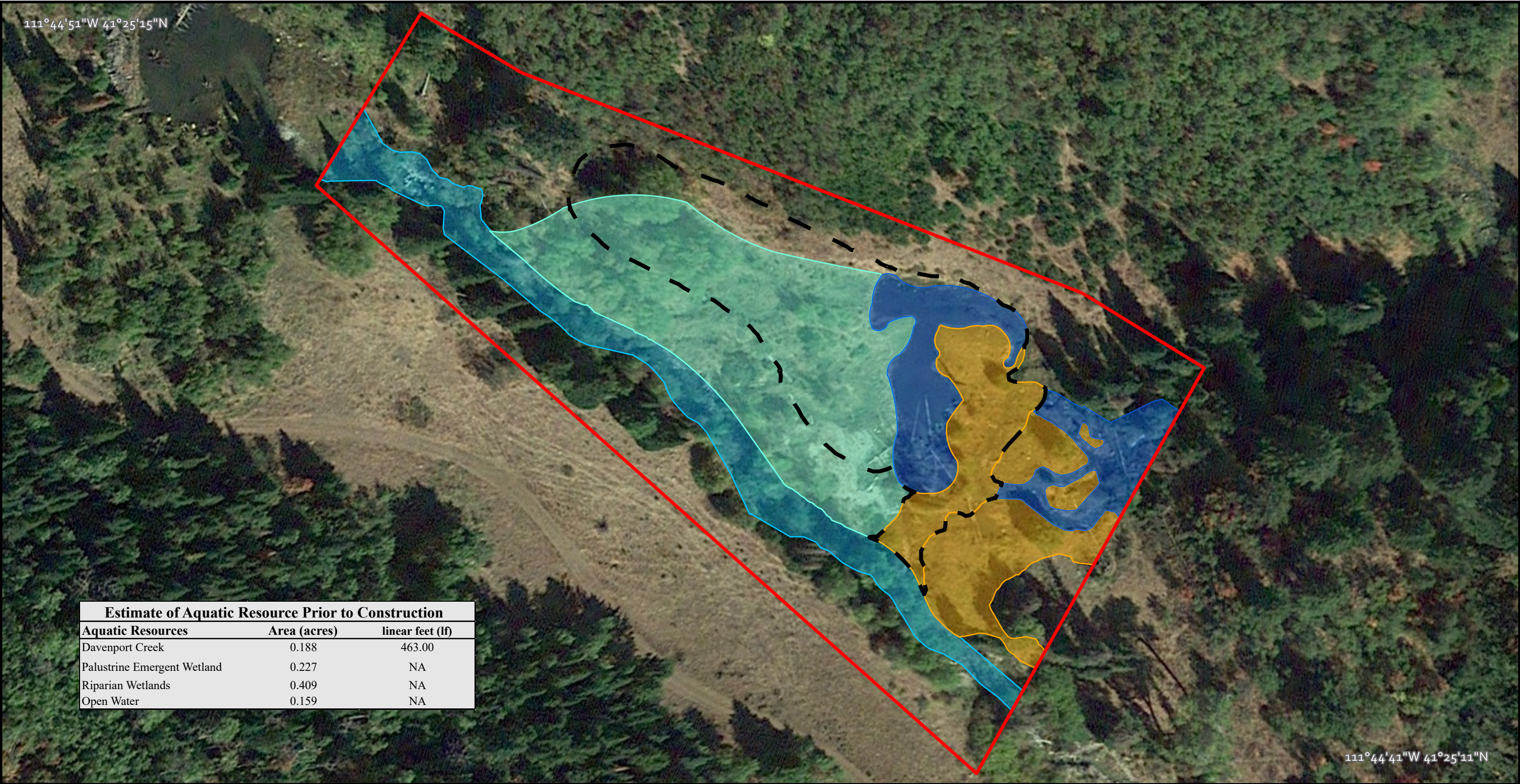


**Whisper Ridge
Cache County, UT
Topographic Map**

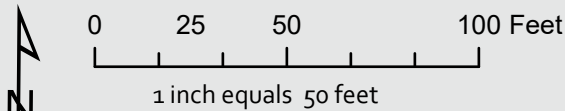
Coordinate System: Date: 6/24/2020
GCS: GCS WGS 1984 Map Scale: 1:12,000
Datum: WGS 1984

1 inch equals 1,000 feet
0 500 1,000 2,000 Feet





Estimate of Aquatic Resource Prior to Construction		
Aquatic Resources	Area (acres)	linear feet (lf)
Davenport Creek	0.188	463.00
Palustrine Emergent Wetland	0.227	NA
Riparian Wetlands	0.409	NA
Open Water	0.159	NA



The wetland delineation results are preliminary and have not been verified by the US Army Corps of Engineers.

Resource Investigation Performed by B. Thomas, June 10, 2020. Wetland Delineation Maps Prepared by R. Dillingham

*Google Imagery 09/14/2018
AGRC WTMS Image Service
GCS: GCS North American 1983*

Legend

Whisper Ridge Survey Area

FuturePond

Pre-Existing Resource Type

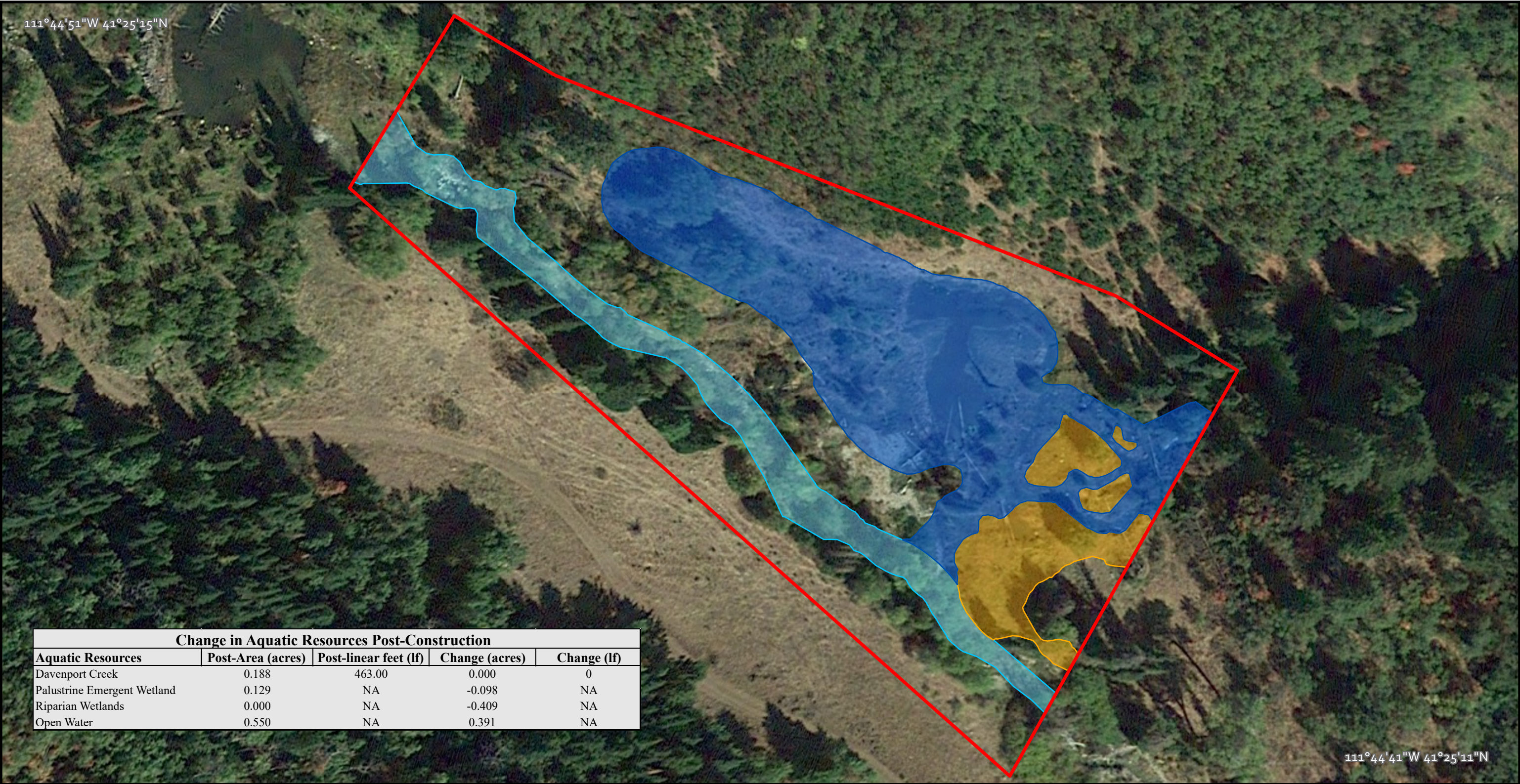
Davenport Creek

Open Water

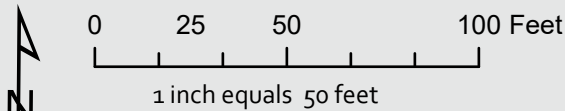
Palustrine Emergent Wetland

Riparian Wetland

**Whisper Ridge
Cache County, UT
Pre-Construction Estimate of
Aquatic Resources**



Change in Aquatic Resources Post-Construction				
Aquatic Resources	Post-Area (acres)	Post-linear feet (lf)	Change (acres)	Change (lf)
Davenport Creek	0.188	463.00	0.000	0
Palustrine Emergent Wetland	0.129	NA	-0.098	NA
Riparian Wetlands	0.000	NA	-0.409	NA
Open Water	0.550	NA	0.391	NA



The wetland delineation results are preliminary and have not been verified by the US Army Corps of Engineers.

Resource Investigation Performed by B. Thomas, June 10, 2020. Wetland Delineation Maps Prepared by R. Dillingham

*Google Imagery 09/14/2018
AGRC WTMS Image Service
GCS: GCS North American 1983*

Legend

Whisper Ridge Survey Area

Existing Resource Type

Open Water

Davenport Creek

Palustrine Emergent Wetland

**Whisper Ridge
Cache County, UT
Existing Conditions Map**



Davenport Creek just upstream of the project area facing east.



Southernmost project area corner facing north. Davenport Creek is flowing into the photo frame lower right and flowing off photo middle left. The constructed pond is at the top of the photo and flowing into Davenport Creek middle photo.



Davenport Creek flowing through the project area facing east. The earthen berm constructed for the pond is along the left side of the creek in this photo. Note, large water birch (*Betula occidentalis*) on the fill slope top center of photo. This indicates that prior to pond construction there was already a steeper higher slope in that location.



Davenport Creek flowing through the project area facing west. The earthen berm constructed for the pond is along the right side of the creek in this photo.



Davenport Creek just downstream of the project area facing west. Note, the downstream beaver pond at the top of the photo.



Constructed pond facing west. Davenport Creek is not visible in the photo and is obscured by the earthen berm top of photo. The pond outlet to Davenport Creek is center left photo.



Constructed pond facing west. The steep cut bank slope at photo right transitions upslope to a thick scrub oak (*Quercus gambelii*) dominated slope.



Constructed pond facing east. Davenport Creek is off the photo to the right of the earthen berm. The water source for the pond, inflow from off-site springs, is visible at top center of photo.



Constructed pond photo left, earthen berm facing east, and Davenport Creek photo right.



Davenport Creek from top of earthen berm facing east.



East of the constructed pond facing east, upslope, to the water source for the pond. This water appears to be naturally fed from off-site springs.



Eastern edge of the project area facing west to the constructed pond. The existing emergent wetland complex is visible in the lower 2/3 of this photo.