

**5:30 p.m.**

Call to order

Opening remarks/Pledge – Jason Watterson

Review and approval of agenda

Review and approval of the minutes of the 6 May 2021 meeting

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

1. **Mountain View Subdivision** – A request to create a new 3-lot subdivision on 6.1 acres located at 700 South 5400 West, near Mendon, in the Rural 2 (RU2) Zone.
2. **Lavender Farms** – A request to create a new 2-lot subdivision on 25.6 acres located at 1842 East 11000 North, near Richmond, in the Agricultural (A10) Zone.
3. **Clint & Leslie Ward Homestead Subdivision 1<sup>st</sup> Amendment** – A request to amend the boundary between Lot 1 and the Agricultural Remainder in an existing 1-lot subdivision located at 1616 East 9400 North, near Richmond, in the Agricultural (A10) Zone.

**Regular Action Items**

4. **Public Hearing (5:35 PM) – Thomas Ranch Rezone** – A request to rezone 831.76 acres on five parcels located at approximately 5600 West Thomas Ranch Road in Wellsville Canyon, from the Forest Recreation (FR40) Zone to the Agricultural (A10) Zone. A rezone would allow for a maximum potential of 83 buildable lots for single family residential, whereas the existing FR40 Zone does not allow for residential structures.
5. **Public Hearing (5:45 PM) – Christy Rezone** – A request to rezone 5.0 acres located at 5519 West 2000 South, near Mendon, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone. A rezone would allow for a maximum potential of 2 buildable lots for single family residential, whereas the existing Agricultural (A10) Zone allows for only one residential structure.
6. **The Cache Valley Straw Maze Conditional Use Permit** - A request to operate a recreational facility on 20 acres of a 35.7 acre property located in the Blue Hawk Subdivision at 6333 West 2000 North, near Mendon, in the Agricultural (A10) Zone.
7. **Discussion:** Amendment to Title 17 regarding Cannabis Production Establishments.

Board Member Reports

Staff reports

Adjourn

## **Public Participation Guide: Planning Commission**

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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**

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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**

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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**

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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**

**6 May 2021**

**Item**

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**Consent Agenda Items**

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5. North Pine Canyon Ranch Subdivision 4<sup>th</sup> Amendment ..... 2

**Regular Action Items**

6. Public Hearing (5:35 PM) – West Edge Rezone ..... 2
7. Discussion: Amendments to Title 17 regarding a new use type for alcohol production..... 3
8. Discussion: Amendments to Title 17 regarding Cannabis Production Establishments ..... 4

**Present:** Chris Harrild, Angie Zetterquist, Brandon Spackman, Lane Parker, Brady Christensen, Melinda Lee, Megan Izatt

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

1 **Spackman** called the meeting to order and **Christensen** gave the opening remarks.

2 **05:33:00**

3 **Agenda**

4 Approved with changes.

5 **05:33:00**

6 **Minutes**

7 *Christensen* motioned to approve the 1 April 2021; *Parker* seconded; **Passed 4, 0.**

8 **5:34:00**

9 **Consent Item**

10 **#1 Baldwin Subdivision**

11 **Zetterquist** reviewed the updated staff report.

12 **#2 Pinnacle Estates Subdivision**

13 **#3 Fox Hollow Subdivision 1<sup>st</sup> Amendment**

14 **Commissioners** and **Staff** discussed the increased size lots and if more lots were being asked for. This  
15 amendment allows the lot sizes to be rearranged and allows the property to the north to potentially be  
16 divided.

17 **#4 Darrell's Appliance Subdivision 1<sup>st</sup> Amendment**

18 **Commissioners** and **Staff** discussed the lot that is being created.

19 **#5 North Pine Canyon Ranch Subdivision 4<sup>th</sup> Amendment**

20 *Parker* motioned to approve the consent agenda; *Christensen* seconded; **Passed 4, 0.**

21 **05:41:00**

22 **Regular Action Items**

23 **#6 Public Hearing (5:35 PM): West Edge Rezone**

24 **Zetterquist** reviewed the staff report for the West Edge Rezone.



1 **Commissioners** and **Staff** discussed the updated survey staff received today and potential wetlands on  
2 site.

3 **05:53:00**

4 **Christensen motioned** to open the public hearing for the West Edge Rezone; **Parker seconded; Passed 4,**  
5 **0.**

6 **Kelly Scott Cronquist** commented that he is currently using the property and the rezone will negatively  
7 impact his access to his property and to water.

8 **Christensen** asked if he knew what was going on before this.

9 **Mr. Cronquist** responded no.

10 **Christensen** asked if he had talked with Edge.

11 **Mr. Cronquist** stated Edge has been good neighbors, he just has some concerns.

12 **Justin Robinson** commented that the concerns raised by Mr. Cronquist shouldn't be an issue. Access,  
13 water and springs, and wetlands will be addressed. He asked that a continuance not be granted and a  
14 decision be made tonight.

15 **Christensen** commented he likes how Edge runs their business.

16 **06:05:00**

17 **Parker motioned** to close the public hearing; **Lee seconded; Passed 4, 0.**

18 **Commissioners** and **Staff** discussed staff's recommendation to continue the item for up to 90 days and  
19 the zoning of the land Edge is currently located on.

20 **Christensen motioned** to recommend approval to the County Council for the West Edge Rezone based on  
21 the rezone fitting the existing pattern of zoning and acknowledged further verification of the survey plat is  
22 needed prior to finalization; **Parker seconded; Passed 4, 0.**

23 **06:16:00**

24 **#7 Discussion: Amendments to Title 17 regarding a new use type for Alcohol Production (i.e.,**  
25 **winery)**

26 **Harrild** informed the Commission that the County Council recently amended the county code to allow  
27 alcohol production in the unincorporated zone and the timeline for draft ordinance language.

28 **Commissioners** and **Staff** discussed ideas for language for the ordinance regarding limiting the size of  
29 the operation and possible importing of product. Staff will research the questions that have been raised  
30 and bring the answers back to the Commission at June's meeting.

31 **Harrild** reviewed some draft language that has been discussed with the County Council.

1 **Keith Meikle** commented about wine being a blended product, federal and state regulations, and  
2 restrictions based on the number of cases per year.

3 **Spackman** asked about a small scale limitations.

4 **Mr. Meikle** commented on limiting by cases produced.

5 **Lee** asked about using percentages.

6 **Mr. Meikle** commented that last year due to a hail storm the quality of the grapes was incredibly poor.

7 **Christensen** asked about state regulations regarding local grown products.

8 **Mr. Meikle** commented that in order to meet the regulations he would have to change his label and that  
9 the federal government regulates that, not the state. State code also requires local restaurants to buy the  
10 product from the winery's building and pick it up; it cannot be shipped.

11 **Commissioners** and **Staff** discussed the next steps for a draft ordinance.

12 **07:13:00**

13 **#8 Discussion: Amendment to Title 17 regarding Cannabis Production Establishments**

14 **Commissioners** and **Staff** discussed cannabis production in Cache County and what kind of restrictions  
15 the County can impose.

16 **07:27:00**

17 **Adjourned**

## Staff Report: Mountain View Subdivision

3 June 2021

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:** Steve Krambule

**Parcel ID#:** 11-009-0009

**Staff Determination:** Denial; or Approval with conditions if plat is amended

**Type of Action:** Administrative

**Land Use Authority:** Planning Commission

## Project Location

*Reviewed by Angie Zetterquist*

### Project Address:

700 South 5400 West  
near Mendon

### Current Zoning:

Rural 2 (RU2)

**Acres:** 6.1 of 6.7

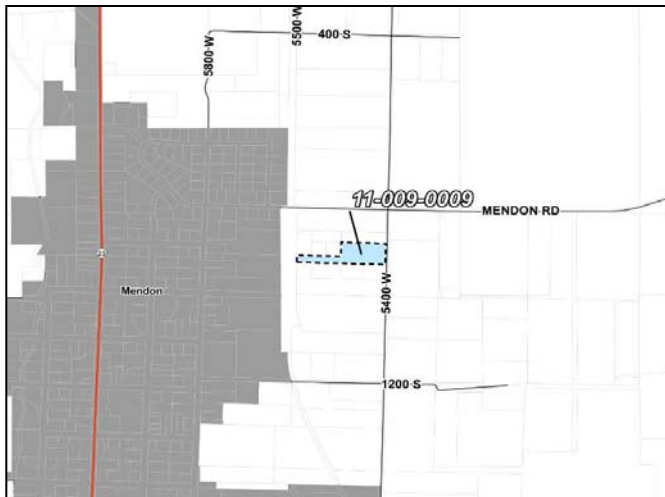
### Surrounding Uses:

North – Agricultural/Residential

South –Agricultural

East – Agricultural/Residential

West – Residential/Richmond City



## Findings of Fact

### A. Request description

1. The Mountain View Subdivision is a request to create a new 3-lot subdivision on 6.1 acres of a 6.7 acre property in the Rural 2 (RU2) Zone.
  - a. Lot 1 will be 1.64 acres;
  - b. Lot 2 will be 1.64 acres; and
  - c. Lot 3 will be 2.74 acres.
  - d. The applicant has proposed that a 0.55-acre portion of the existing property will not be part of the subdivision, but proposed to combine it at some time in the future with a parcel to the north that is within a different subdivision. The creation of an additional lot outside

the subdivision boundary is not permitted under the Subdivision or Land Use Code and if left as proposed, this request must be denied. It is recommended that the applicant amend the proposed subdivision plat so that it does not create a restricted parcel and then pursue a subdivision amendment between the 2 subdivisions at some future date. A rezone may also be required as the referenced adjacent parcel is not in the RU2 Zone, and the newly combined property will have a split zone and the most restrictive requirements of the applicable zones will apply to the entire property.

**B. Parcel legality**

2. The subject property is legal as it has not changed size or configuration from August 2006. A rezone request to change the zone from the Agricultural (A10) to the Rural 2 (RU2) Zone was approved by the County Council in March 2021 as Ordinance 2021-08.

**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 application (#25-11688 (a46841)) is in process for 3 domestic water rights for the proposed lots. Confirmation of an approved domestic water right for each lot is required prior to recording the plat. *See condition #1*
5. §16.04.080 [B] Sewage Requirements – The applicant has provided a septic feasibility letter for the proposed 3-lot subdivision from the Bear River Health Department.
6. §16.04.070 Storm Drainage Requirements – Compliance with State Stormwater Detention must be met (i.e., retain 80% of storm event and no increased runoff). Prior to recording the plat, the application must submit a stormwater report prepared by a licensed Engineer to the Public Works Department for review and approval. Construction of any required stormwater infrastructure is also required prior to recording the plat. A Land Disturbance Permit is required for any future development. *See condition #2 & #3*

**E. Access**

7. §16.02.010 Standards and Lot Size – All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County Zoning Ordinance and within this title.
8. Table 17.10.040 Site Development Standards – Minimum lot frontage required in the A10 Zone is 90 feet.
9. §17.07.040 General Definitions – Lot/Parcel Frontage: that portion of a development site that abuts a public or private roadway. For the purposes of determining setback requirements on corner lots, all sides of a lot adjacent to a roadway shall be considered frontage
10. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
11. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
12. §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.
13. The Road Manual specifies the following:

- a. Local Roads – Local roads are roads whose primary function is to provide access to residences, farms, businesses, or other properties that abut the road, rather than to serve through traffic. Although some through traffic may occasionally use a local road, through traffic service is not the primary purpose of local roads. For purposes of design and construction standards, local roads are subdivided into Major Local (ML) and Minor Local (L) roads.
- b. §2.1 Roadway Functional Classification – Major Local Road (ML): Major local roads serve a dual function of providing access to properties that abut the road as well as providing through or connection service between higher road classification facilities. Major local roads may have significant local continuity and may operate at relatively high speeds. Because of the possibility of through traffic, a meaningful segment of traffic on major local roads may include drivers who are unfamiliar with the roads. Traffic on major local roads is largely composed of passenger vehicles or other smaller vehicle types. Where a significant proportion traffic is trucks or other heavy vehicles, additional design consideration will be required, almost exclusively to provide access to properties adjacent to the road.
- c. Table B-6 Typical Cross Section Minimum Standards: Major local roads must meet the minimum standard of a 66-foot right-of-way, two 10-foot wide paved travel lanes with 6-foot wide shoulders (2 feet paved, 4 feet gravel): 14-inches depth of granular borrow, a 6-inches depth of untreated base course, and 3 inches of bituminous surface course (asphalt).
- d. Table B-8 Typical Cross Section Structural Values: The minimum structural composition for major local roads requires 14” depth of granular borrow, 6” depth of road base, and 3” depth of asphalt.
- e. §2.1 Roadway Functional Classification – Private Roads – Private roads are not intended for use by the public. These roads are privately owned, provide access to two or more legal lots or parcels, and are not maintained by the County. Geometric and structural design standards for private roads are the same as those used for public roads. For purposes of design and construction standards, private roads are subdivided into Major Private (MP) roads and Minor Private (P) roads.
- f. §2.1 Roadway Functional Classification – Major Private Roads – Major private roads are private roads with an expected ADT of 50-200. Where it is determined that ADT will exceed 200, the Director of Public Works may require that the road be dedicated to the County and improved to public road standards.
- g. Minimum spacing standards on a Major Collector between public/private roads is 350 feet.
- h. Table B-6 Typical Cross Section Minimum Standards: Major private roads must meet the minimum standard of a 66-foot right-of-way, two 10-foot wide paved travel lanes with 2-foot wide gravel shoulders: 14-inches depth of granular borrow, a 6-inches depth of untreated base course, and 3 inches of bituminous surface course (asphalt)
- 14. A basic review of the access to the proposed subdivision identifies the following:
  - a. Access to the Mountain View Subdivision is from 5400 West, a county road, and 675 South, a private road.
  - b. 5400 West:
    - i. Is an existing county facility that provides access to the general public.
    - ii. Currently provides access to multiple dwellings, vacant lots, agricultural parcels, and provides through access from Mendon City to 600 South.
    - iii. Is classified as a Major Collector Road, but is currently required to meet the standards for a Major Local Road.

- iv. Consists of a 20-foot wide paved surface with 1.5-foot wide paved shoulders and 2 feet of gravel shoulders.
- v. Is maintained year round.
- vi. Is considered substandard as to shoulders and clear zone and must be improved to meet major local road standards. *See condition #4*
- vii. Required right-of way (ROW) for a Major Collector is 80 feet; the current dedicated ROW is 66 feet. The applicant is not required to dedicate additional ROW for the proposed subdivision, but the additional 7-feet of ROW from the centerline of 5400 West must be shown on the plat. *See condition #5*
- viii. The intersection of 675 South and 5400 West must be improved to accommodate additional refuse containers and mailboxes. *See condition #6*
- ix. Any work within the County right-of-way requires approval of an encroachment permit. *See condition #7*
- c. 675 South:
  - i. Is an existing private road that provides access to the 5-lot Mendon Shadow Subdivision.
  - ii. The minimum spacing standards between public/private roads for access requires a minimum of 350 feet which is not possible for the proposed subdivision. The applicant has gained tentative approval from the Mendon Shadow Subdivision property owners to access the proposed subdivision via the private road.
  - iii. The Mendon Shadow Subdivision Amended (2008), shows a 33-foot ROW easement across the subject property, however, the draft subdivision plat does not include the easement. The plat must be revised to include this ROW easement and the lots revised as necessary. *See condition #8*
  - iv. With the addition of 3 lots accessing from the private road, it is now considered a Major Private Road and must be improved to meet those standards. *See condition #9.*
  - v. Access and maintenance agreements between the proposed subdivision and the property owners within the Mendon Shadow Subdivision must be provided to the Department of Development Services and the Public Works Department for review and approval prior to recording the plat. *See condition #10*

#### **F. Service Provision**

- 15. §16.04.080 [C] Fire Control – The County Fire District visited the subject property and found the access road meets fire code standards. Any future development on the property must be reevaluated and may require improvements based on the location of the proposed access and development. Water supply for fire protection will be provided by the Mendon Fire Department.
- 16. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental provides collection service in this area. All residential carts will need to be placed on 5400 West for collection as collection service is not provided on private roads. Sufficient shoulder space must be provided along the side of this narrow road for all refuse and recycling containers to be placed 3-to-4 feet apart and be far enough off the road so as not to interfere with passing traffic. *See condition #6*

#### **G. Sensitive Areas**

- 17. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
  - a. According to the GIS data, irrigation canals are located along the eastern boundary of the subdivision and along 5400 West. Any development in these areas requires an additional setback and may require approval from the canal company. *See condition #11*

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

- 18. Public notice was posted online to the Utah Public Notice Website on 26 May 2021.
- 19. Notice was published in the Herald Journal on 22 May 2021.

20. Notices were posted in three public places on 21 May 2021.
21. Notices were mailed to all property owners within 300 feet of the subject property and Mendon City on 21 May 2021.
22. At this time, staff has received no written public comment regarding this proposal.

## **Conditions**

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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 recording the plat, confirmation of an approved domestic water rights for Lots 1-3 must be provided to the Department of Development Services. *(See D-4)*
2. Prior to recording the plat, a stormwater report prepared by a licensed engineer will need to be submitted and approved by the Public Works Department. Any stormwater infrastructure required by the report must be constructed prior to the recording of the plat. The applicant must provide copies of all written confirmation, including permits and approvals, to the Development Services Department at that time. *(See D-6)*
3. A Land Disturbance Permit is required for land disturbance related to future development. *(See D-6)*
4. Prior to recording the plat, the applicant must improve 5400 West to a Major Local Road standard. The applicant must submit copies of all road improvement plans and construction detail to the County Public Works Department and Fire Department for their review and approval prior to making the improvements. Any additional review fees must be paid by the applicant. The applicant must provide copies of all permits and approvals, to the Development Services Department. *(See E-14-b-vi)*
5. Prior to recording the plat, the future 80-foot right-of-way on 5400 West must be shown on the plat. *(See E-14-b-vii)*
6. Prior to recording the plat, the intersection of 675 South & 5400 West must be improved to accommodate the additional refuse containers and mailboxes. The applicant must submit copies of all road improvement plans and construction detail to the County Public Works Department and Fire Department for their review and approval prior to making the improvements. Any additional review fees must be paid by the applicant. The applicant must provide copies of all permits and approvals, to the Development Services Department. *(See E-14-b-iii, F-16)*
7. Any work in the County right-of-way requires approval of an encroachment permit. *(See E-14-b-ix)*
8. Prior to recording the plat, the plat must be revised to include the right-of-way access easement recorded as part of the Mendon Shadow Subdivision Amended that crosses Lots 1-3 of the proposed subdivision. *(See E-14-c-iii)*
9. Prior to recording the plat, the existing private road, 675 South, must be improved to meet the standards of a Major Private Road. The applicant must submit copies of all road improvement plans and construction detail to the County Public Works Department and Fire Department for their review and approval prior to making the improvements. Any additional review fees must be paid by the applicant. The applicant must provide copies of all permits and approvals, to the Development Services Department. *(See E-14-c-v)*
10. Prior to recording the plat, access and maintenance agreements between the proposed subdivision and the property owners within the Mendon Shadow Subdivision must be provided to the Department of Development Services and the Public Works Department for review and approval. *(See E-14-c-v)*

11. Any future development located within sensitive areas may require further analysis and approvals per the County Code prior to the issuance of a Zoning Clearance. (*See G-17-a*)

## **Conclusions**

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Based on the findings of fact and conditions noted herein, staff recommends approval of the Mountain View Subdivision 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: Lavender Farms Subdivision

3 June 2021

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:** Kevin Graham

**Parcel ID#:** 09-045-0033

**Staff Determination:** Approval with conditions

**Type of Action:** Administrative

**Land Use Authority:** Planning Commission

## Project Location

*Reviewed by Angie Zetterquist*

### Project Address:

1842 East 11000 North  
near Richmond

### Current Zoning:

Agricultural (A10)

**Acres:** 25.6

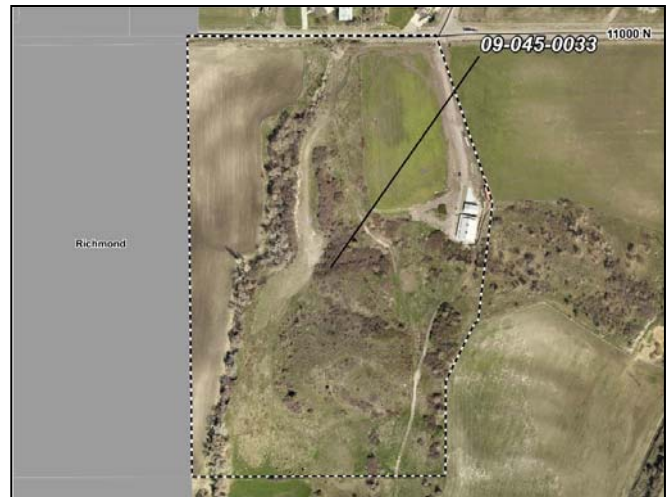
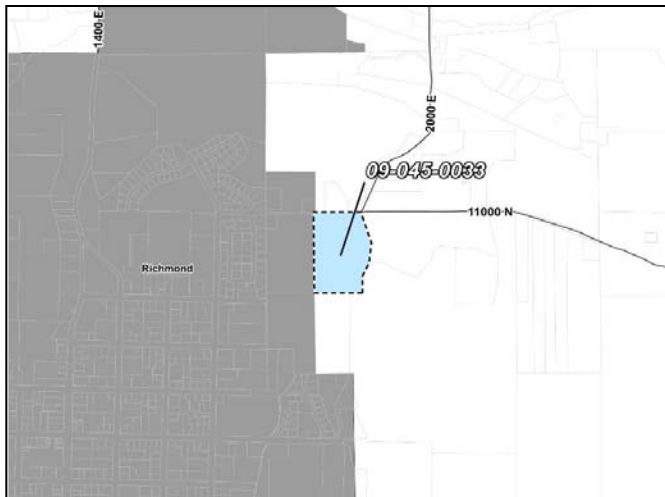
### Surrounding Uses:

North – Agricultural/Residential

South –Agricultural

East – Agricultural/Residential

West – Residential/Richmond City



## Findings of Fact

### A. Request description

1. The Lavender Farms Subdivision is a request to create a new 2-lot subdivision on 25.6 acres in the Agricultural (A10) Zone.
  - a. Lot 1 will be 14.8 acres; and
  - b. Lot 2 will be 10.0 acres.

### B. Parcel legality

2. The subject property is legal as a boundary line adjustment was recorded in 2018 between three parcels and resulted in the parcel number for this parcel changing to its current tax identification number; no new lots were created as part of the boundary line adjustment.

**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 – Lot 1 has an existing house and water right (#25-11549) Confirmation of an approved domestic water right for Lot 2 is required prior to recording the plat. Alternatively, Lot 2 must be labeled as a “Dry Lot” on the plat. A dry lot is restricted to agricultural uses until a domestic water right has been obtained and a subdivision amendment completed to remove the “dry lot” designation. *See condition #1*
5. §16.04.080 [B] Sewage Requirements – The applicant has provided a septic feasibility letter for the proposed lot from the Bear River Health Department.
6. §16.04.070 Storm Drainage Requirements – Compliance with State Stormwater Detention must be met (i.e., retain 80% of storm event and no increased runoff). Prior to recording the plat, the application must submit a stormwater report prepared by a licensed Engineer to the Public Works Department for review and approval. Construction of any required stormwater infrastructure is also required prior to recording the plat. A Land Disturbance Permit is required for any future development. *See condition #2 & #3*

**E. Access**

7. §16.02.010 Standards and Lot Size – All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County Zoning Ordinance and within this title.
8. Table 17.10.040 Site Development Standards – Minimum lot frontage required in the A10 Zone is 90 feet.
9. §17.07.040 General Definitions – Lot/Parcel Frontage: that portion of a development site that abuts a public or private roadway. For the purposes of determining setback requirements on corner lots, all sides of a lot adjacent to a roadway shall be considered frontage.
10. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
11. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
12. §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.
13. The Road Manual specifies the following:
  - a. Local Roads – Local roads are roads whose primary function is to provide access to residences, farms, businesses, or other properties that abut the road, rather than to serve through traffic. Although some through traffic may occasionally use a local road, through traffic service is not the primary purpose of local roads. For purposes of design and construction standards, local roads are subdivided into Major Local (ML) and Minor Local (L) roads.
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possibility of through traffic, a meaningful segment of traffic on major local roads may include drivers who are unfamiliar with the roads. Traffic on major local roads is largely composed of passenger vehicles or other smaller vehicle types. Where a significant proportion traffic is trucks or other heavy vehicles, additional design consideration will be required. almost exclusively to provide access to properties adjacent to the road.

- c. Table B-6 Typical Cross Section Minimum Standards: Major local roads must meet the minimum standard of a 66-foot right-of-way, two 10-foot wide paved travel lanes with 6-foot wide shoulders (2 feet paved, 4 feet gravel): 14-inches depth of granular borrow, a 6-inches depth of untreated base course, and 3 inches of bituminous surface course (asphalt).
  - a. Table B-8 Typical Cross Section Structural Values: The minimum structural composition for major local roads requires 14" depth of granular borrow, 6" depth of road base, and 3" depth of asphalt.
- 14.** A basic review of the access to the proposed subdivision identifies the following:
- a. Access to the Lavender Farms Subdivision is from 11000 North, a county road.
  - b. 11000 North:
    - i. Is an existing county facility that provides access to the general public.
    - ii. Currently provides access to multiple dwellings, vacant lots, agricultural parcels, and Cherry Peak Ski Resort.
    - iii. Is classified as a Collector Road, but is currently required to meet the standards for a Major Local Road.
    - iv. Consists of a 20-foot wide paved surface with 2-foot wide paved shoulders and between 0-4 feet of gravel shoulders.
    - v. Is maintained year round.
    - vi. Is considered substandard as to dedicated right-of-way, gravel shoulders, and clear zone.
    - vii. Any work within the County right-of-way requires approval of an encroachment permit. *See condition #4*
    - viii. The Cache County Public Works Department is currently working on plans for improvements to this road. The applicant must work with the County Engineer to coordinate the required right-of-way dedication and roadway improvements for the subdivision. *See condition #5*

#### **F. Service Provision**

- 15.** §16.04.080 [C] Fire Control – The County Fire District visited the subject property and found the access road meets fire code standards. Any future development on the property must be reevaluated and may require improvements based on the location of the proposed access and development. Water supply for fire protection will be provided by the Richmond Fire Department.
- 16.** §16.04.080 [F] Solid Waste Disposal – Logan City Environmental provides collection service in this area. All residential carts will need to be placed in front of the property along 11000 North for collection. Sufficient shoulder space must be provided along the side of this narrow road for all refuse and recycling containers to be placed 3-to-4 feet apart and be far enough off the road so as not to interfere with passing traffic.

#### **G. Sensitive Areas**

- 17.** §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
- a. According to the GIS data, moderate and steep slopes are present on portions of the subject property. Development is not permitted in the steep slope areas and requires an approved geotechnical report for development in areas with moderate slopes. *See condition #6*

- b. Irrigation canals cross the western edge of the subject property. Any development in these areas requires an additional setback and may require approval from the canal company. *See condition #6*

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

- 18. Public notice was posted online to the Utah Public Notice Website on 26 May 2021.
- 19. Notice was published in the Herald Journal on 22 May 2021.
- 20. Notices were posted in three public places on 21 May 2021.
- 21. Notices were mailed to all property owners within 300 feet of the subject property and Richmond City on 21 May 2021.
- 22. At this time, staff has received no written public comment regarding this proposal.

#### **Conditions**

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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 recording the plat, confirmation of an approved domestic water right for Lot 2 must be provided to the Department of Development Services. Alternatively, the plat must identify Lot 2 as a “dry lot”. (*See D-4*)
- 2. Prior to recording the plat, a stormwater report prepared by a licensed engineer will need to be submitted and approved by the Public Works Department. Any stormwater infrastructure required by the report must be constructed prior to the recording of the plat. The applicant must provide copies of all written confirmation, including permits and approvals, to the Development Services Department at that time. (*See D-6*)
- 3. A Land Disturbance Permit is required for land disturbance related to future development. (*See D-6*)
- 4. Any work in the County right-of-way requires approval of an encroachment permit. (*See E-14-b-vii*)
- 5. Prior to recording the plat, the applicant must work with the Public Works Department to determine the required right-of-way and other coordination for the County’s impending road improvements along 11000 North. The required right-of-way information must be reflected on the plat and be reviewed and approved by the Public Works Department prior to recording the plat. Written confirmation that coordination for the road improvements has been finalized is also required prior to recording the plat. (*See E-14-b-viii*)
- 6. Any future development located within sensitive areas may require further analysis and approvals per the County Code prior to the issuance of a Zoning Clearance. (*See G-17-a, G-17-b*)

#### **Conclusions**

---

Based on the findings of fact and conditions noted herein, staff recommends approval of the Lavender Farms Subdivision 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: Clint & Leslie Ward Homestead Subdivision 1<sup>st</sup> Amend.

3 June 2021

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:** Clint Ward

**Parcel ID#:** 08-001-0013, -0014

**Staff Determination:** Approval with conditions

**Type of Action:** Administrative

**Land Use Authority:** Planning Commission

### Project Location

*Reviewed by Angie Zetterquist*

#### Project Address:

1616 East 9400 North  
near Richmond

#### Current Zoning:

Agricultural (A10)

**Acres:** 79.8

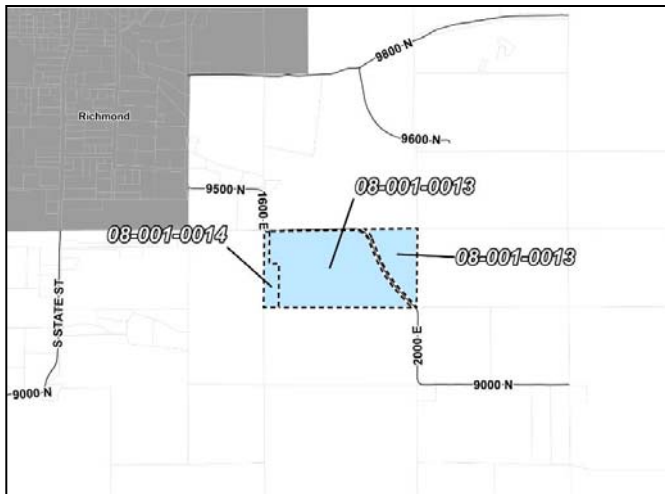
#### Surrounding Uses:

North – Agricultural

South –Agricultural

East – Agricultural

West – Agricultural



### Findings of Fact

#### A. Request description

1. The Clint & Leslie Ward Homestead Subdivision 1<sup>st</sup> Amendment is a request to amend the boundaries between Lot 1 and the agricultural remainder in the Agricultural (A10) Zone.
  - a. Lot 1 will increase from 5.5 acres to 7.6 acres; and
  - b. The Agricultural Remainder will be adjusted to 72.2 acres less the dedicated ROW for 9400 North, a County road.

#### B. Parcel legality

2. The existing subdivision was approved and recorded in 2013 and the properties within the subdivision are considered legal.

**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 – As no new lots are being created, confirmation of additional water rights is not required.
5. §16.04.080 [B] Sewage Requirements – A septic feasibility letter from the Bear River Health Department is not required for this proposed amendment as no new lots are being created.
6. §16.04.070 Storm Drainage Requirements – A Land Disturbance Permit is required for any future development. *See condition #2*

**E. Access**

7. §16.02.010 Standards and Lot Size – All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County Zoning Ordinance and within this title.
8. Table 17.10.040 Site Development Standards – Minimum lot frontage required in the A10 Zone is 90 feet.
9. §17.07.040 General Definitions – Lot/Parcel Frontage: that portion of a development site that abuts a public or private roadway. For the purposes of determining setback requirements on corner lots, all sides of a lot adjacent to a roadway shall be considered frontage
10. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
11. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
12. §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.
13. The Road Manual specifies the following:
  - a. Local Roads – Local roads are roads whose primary function is to provide access to residences, farms, businesses, or other properties that abut the road, rather than to serve through traffic. Although some through traffic may occasionally use a local road, through traffic service is not the primary purpose of local roads. For purposes of design and construction standards, local roads are subdivided into Major Local (ML) and Minor Local (L) roads.
  - b. §2.1 Roadway Functional Classification – Minor Local Road (L): Minor local roads serve almost exclusively to provide access to properties adjacent to the road. Minor local roads generally serve residential or other non-commercial land uses. Many minor local roads are cul-de-sacs or loop roads with no through continuity. The length of minor local roads is typically short. Because the sole function of local roads is to provide local access, such roads are used predominantly by drivers who are familiar with them.
  - c. Table B-6 Typical Cross Section Minimum Standards: Minor local roads must meet the minimum standard of a 66-foot right-of-way, two 10-foot wide paved travel lanes with 4-foot wide gravel shoulders; 14-inches depth of granular borrow, a 6-inches depth of untreated base course, and 3 inches of bituminous surface course (asphalt).

- d. Table B-8 Typical Cross Section Structural Values: The minimum structural composition for minor local roads requires 14" depth of granular borrow, 6" depth of road base, and 3" depth of asphalt.

**14. A basic review of the access to the subdivision identifies the following:**

- a. Access to the Clint & Leslie Ward Homestead Subdivision is from 9400 North, a county road.
- b. 9400 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 Minor Local Road.
  - iv. Consists of a 20-foot wide paved surface with no shoulders.
  - v. Is maintained year round.
  - vi. Is considered substandard as to right-of-way dedication, gravel shoulders, clear zone, and material.
  - vii. As new lots are not being created as part of this amendment, no road improvements are required.

**F. Service Provision**

- 15. §16.04.080 [C] Fire Control – The County Fire District visited the subject property and found the access road meets fire code standards. Any future development on the property must be reevaluated and may require improvements based on the location of the proposed access and development. Water supply for fire protection will be provided by the Richmond Fire Department.
- 16. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental provides collection service in this area. All residential carts will need to be placed on 9400 North for collection. Sufficient shoulder space must be provided along the side of this narrow road for all refuse and recycling containers to be placed 3-to-4 feet apart and be far enough off the road so as not to interfere with passing traffic.

**G. Sensitive Areas**

- 17. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
  - a. According to the GIS data, areas of steep and moderate slopes as well as a potential fault line are located on portions of the subdivision. Any future development in these areas may require a geotechnical report.
  - b. There are irrigation canals located along the north and south boundaries of the subdivision. Any development adjacent to the canals may require an additional setback and approval from the canal company. *See condition #2*

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

- 18. Public notice was posted online to the Utah Public Notice Website on 26 May 2021.
- 19. Notice was published in the Herald Journal on 22 May 2021.
- 20. Notices were posted in three public places on 21 May 2021.
- 21. Notices were mailed to all property owners within 300 feet of the subject property and Mendon City on 21 May 2021.
- 22. At this time, staff has received no written public comment regarding this proposal.

## **Conditions**

---

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 land disturbance related to future development. (*See D-6*)
2. Any future development located within sensitive areas may require further analysis and approvals per the County Code prior to the issuance of a Zoning Clearance. (*See G-17-a*)

## **Conclusions**

---

Based on the findings of fact and conditions noted herein, staff recommends approval of the Clint and Leslie Ward Homestead Subdivision 1<sup>st</sup> 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: Thomas Ranch Rezone

3 June 2021

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:** Lon Thomas

**Staff Recommendation:** Denial

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

**Parcel ID#:** 10-002-0005, -0009

10-004-0003, -0004, -0006

## Location

*Reviewed by Angie Zetterquist*

**Project Address:** Acres: 831.76

~5600 W. Thomas Ranch Road

Wellsville Canyon

**Current Zoning:** Forest Recreation (FR40)

**Proposed Zoning:** Agricultural (A10)

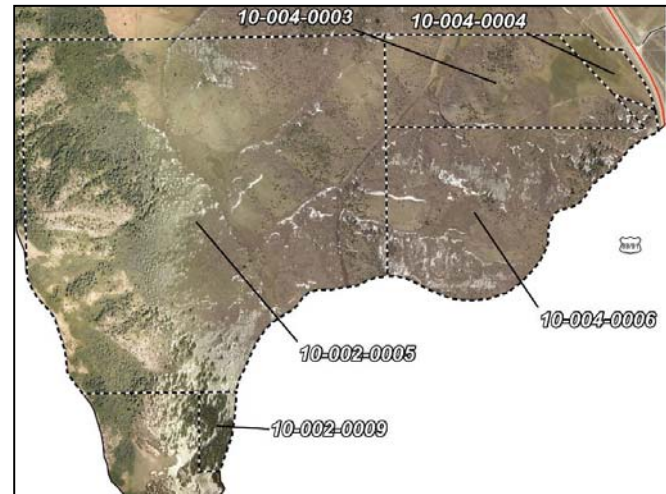
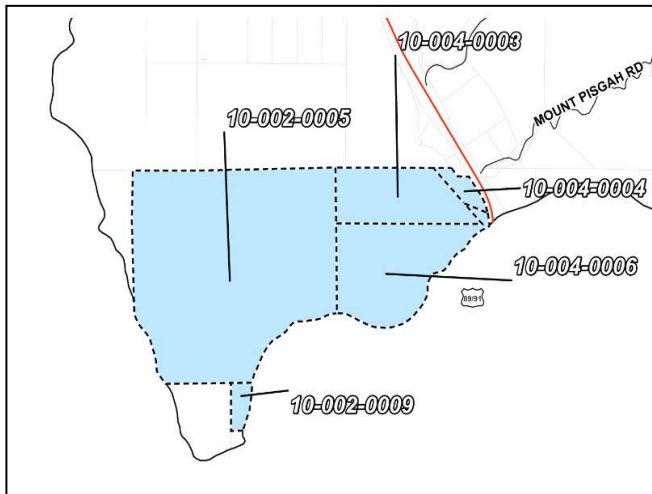
## Surrounding Uses:

North – Forest Recreation

South – Forest Recreation/Box Elder County

East – Forest Recreation/US 89/91

West – Forest Recreation/Box Elder County



## Findings of Fact

### A. Request description

1. A request to rezone 831.76 acres from the Forest Recreation (FR40) Zone to the Agricultural (A10) Zone.
2. This rezone may allow the parcel to be legally divided into a maximum of 83 separate lots as part of a subdivision process. However, the net developable acreage (i.e., gross acreage less certain sensitive areas including steep slopes) will reduce the maximum number of lots allowed. The current FR40 Zone is more restrictive and does not allow permanent residences, but does allow seasonal cabins, with a maximum occupancy of 180 days per year, and can be divided at a density of 1 lot for every 40 acres (net developable).



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

Land Use Context:

- i. Small portions of the noted parcels are suitable for, or have been used for, agriculture, however, the majority of these parcels are comprised of mountainous terrain, steep and moderate slopes, and high mountain meadows. Previous rezone requests from FR40 to A10 that have been approved were supported by a historical agricultural use.
- ii. Parcel status: The subject properties are legal as they are in the same size and configuration as August 8, 2006.
- iii. Average Lot Size: There are no parcels within a ½ mile of the subject properties with homes. Within a ½ mile in unincorporated County, there are a total of 28 parcels without a home and an average size of 109.4 acres.  
Update this
- iv. Schedule of Zoning Uses: Under the current County Land Use Ordinance, the Forest Recreation (FR40) is more restrictive in the uses allowed when compared to the Agricultural (A10) Zone. The Agricultural (A10) Zone allows for a variety of uses with the approval of a zoning clearance and/or conditional use permit, including the following uses, that are not permitted in the current Forest Recreation (FR40) Zone:
  - Single Family Dwelling
  - Accessory Apartment
  - Home Based Business
  - Residential Living Facilities
  - Agricultural Manufacturing
  - Cemetery/Crematorium
  - Religious Meeting House
  - Concentrated Animal Feed Operation
  - Livestock Auction Facility
  - Boarding Facility
  - Topsoil Extraction
- v. Sensitive Areas: The subject properties contain sensitive areas that may impact future development (Attachment B).
  - a. A significant portion of the subject property has areas of steep and moderate slopes. Areas of steep slopes cannot be developed or used in future density calculations for subdivision. A rough estimate shows that steep slopes cover approximately 380 acres of the subject properties, about 45% of the properties. Additional review and analysis may be required for any proposed development in the moderate slope areas.
  - b. A possible fault line is located on the subject property. Additional review and analysis may be required for any proposed development in these areas.
  - c. The subject property is also located within a Wildfire Hazard Area and a Wildlife Urban Interface Zone
- vi. Adjacent uses: The properties adjacent to the subject rezone are either in Box Elder County or zoned Forest Recreation (FR40).
- vii. Annexation Areas: The subject properties are located immediately south of the Wellsville future annexation area, but do not appear to be part of the annexation area.



4. Zone Placement: The current County Land Use Ordinance does not specify appropriate locations for the Agricultural (A10) Zone. The nearest A10 zone is approximately 3.25 miles east of the subject properties on Mount Pisgah Road, in the Mt. Sterling area.

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

5. As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
6. The current County Land Use Ordinance does not specify appropriate locations for the Agricultural (A10) Zone but does contain general guidelines for its implementation. County Land Use Ordinance §17.08.030 [C] identifies the purpose of the Agricultural Zone and includes the following:
  - a. To provide areas to promote and protect the opportunities for a broad range of agricultural uses and activities where farming is a viable component of the local economy.
  - b. To implement the policies of Cache Countywide Comprehensive Plan, including those regarding agricultural promotion, prime farmlands, density based residential standards, and clustering.
7. Any impacts related to permitted and conditional uses allowed within the Agricultural (A10) Zone will be addressed as part of each respective approval process required prior to site development activities.

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

1. §16.02.010 Standards and Lot Size – All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County Zoning Ordinance and within this title.
2. Table 17.10.040 Site Development Standards – Minimum lot frontage required in the A10 Zone is 90 feet.
3. §17.07.040 General Definitions – Lot/Parcel Frontage: that portion of a development site that abuts a public or private roadway. For the purposes of determining setback requirements on corner lots, all sides of a lot adjacent to a roadway shall be considered frontage
4. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
5. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
6. §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.
7. The Road Manual specifies the following:
  - a. §2.1 Roadway Functional Classification – Private Roads – Private roads are not intended for use by the public. These roads are privately owned, provide access to two or more legal lots or parcels, and are not maintained by the County. Geometric and structural design standards for private roads are the same as those used for public roads. For purposes of design and construction standards, private roads are subdivided into Major Private (MP) roads and Minor Private (P) roads.
  - b. §2.1 Roadway Functional Classification – Major Private Roads – Major private roads are private roads with an expected ADT of 50-200. Where it is determined that ADT will

exceed 200, the Director of Public Works may require that the road be dedicated to the County and improved to public road standards.

- c. Minimum spacing standards on a Major Collector between public/private roads is 350 feet.
  - d. Table B-6 Typical Cross Section Minimum Standards: Major private roads must meet the minimum standard of a 66-foot right-of-way, two 10-foot wide paved travel lanes with 2-foot wide gravel shoulders: 14-inches depth of granular borrow, a 6-inches depth of untreated base course, and 3 inches of bituminous surface course (asphalt).
8. A basic review of the access to the subject property identifies the following:
- a. Primary access to the subject properties is from US 89/91 and Thomas Ranch Road, a private road. There is no access to existing County roads.
9. US 89/91:
- a. Is an existing UDOT facility that serves as the main access from Brigham City to Logan.
  - b. Is classified as an Other Principal Arterial.
  - c. Access must be approved by UDOT.
  - d. Is maintained year round by UDOT.

**D. Service Provisions:**

- 10. §16.04.080 [C] Fire Control – The County Fire District had no comments on the rezone. Future access must be reevaluated and may require improvements based on the location of any proposed structure on lots created through a subdivision process.
- 11. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental does not provide refuse collection in this area.

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

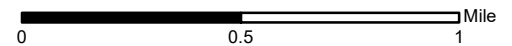
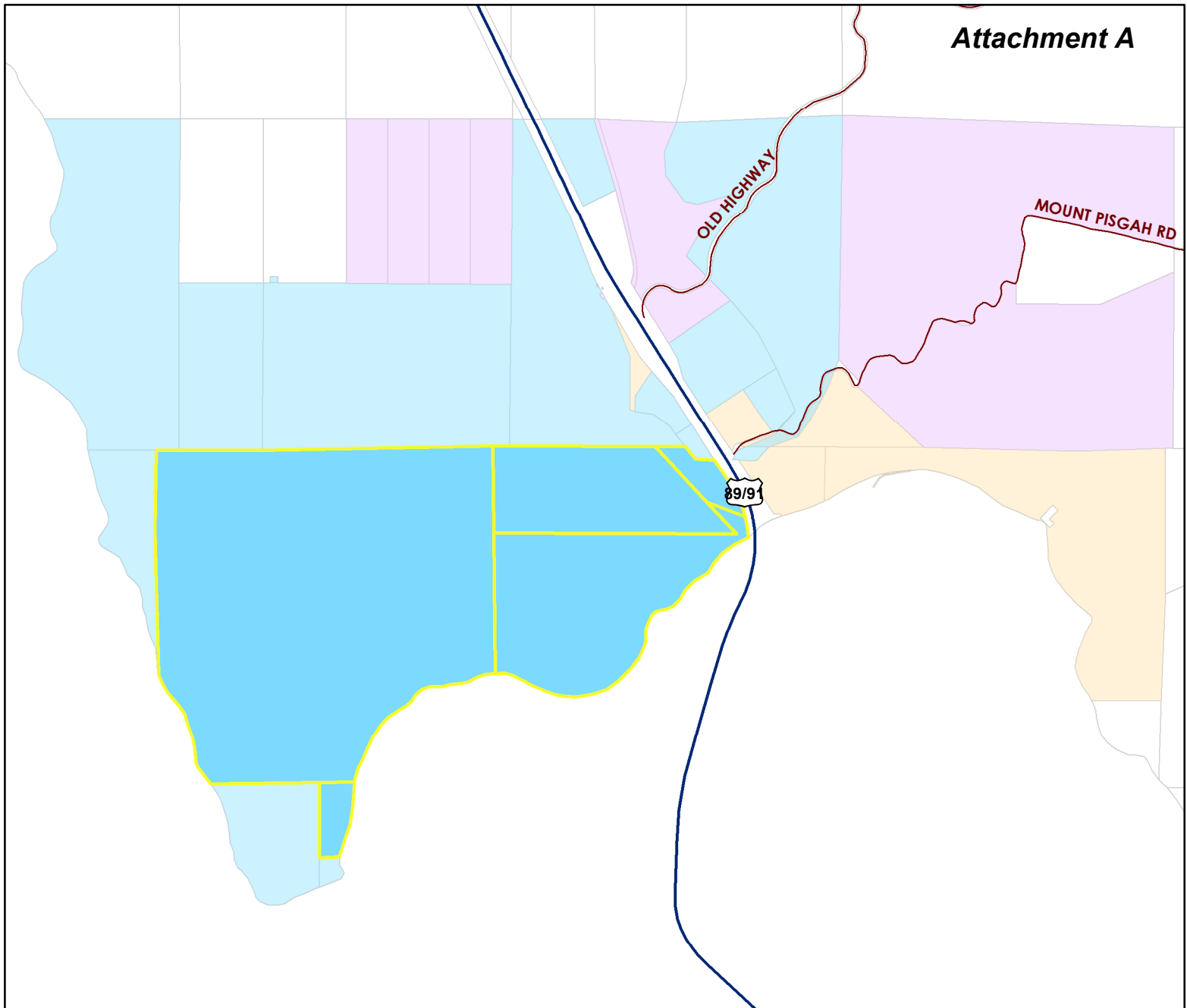
- 12. Public notice was posted online to the Utah Public Notice Website on 26 May 2021.
- 13. Notice was published in the Herald Journal on 22 May 2021.
- 14. Notices were posted in three public places on 21 May 2021.
- 15. Notices were mailed to all property owners within 300 feet and Mendon City on 21 May 2021.
- 16. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

## **Conclusion**

Based on the findings of fact noted herein, the Development Services staff recommends that the Thomas Ranch Rezone is recommended for denial to the County Council as follows:

- 1. The location of the subject property to be rezoned is not compatible with the purpose of the Agricultural (A10) Zone.
- 2. The subject property to be rezoned is more appropriate and consistent with the purposes of the Forest Recreation (FR40) Zone due to limited access, presence of sensitive areas not compatible with development, lack of essential services, and will conflict or have deleterious effects upon surrounding properties.

# Attachment A

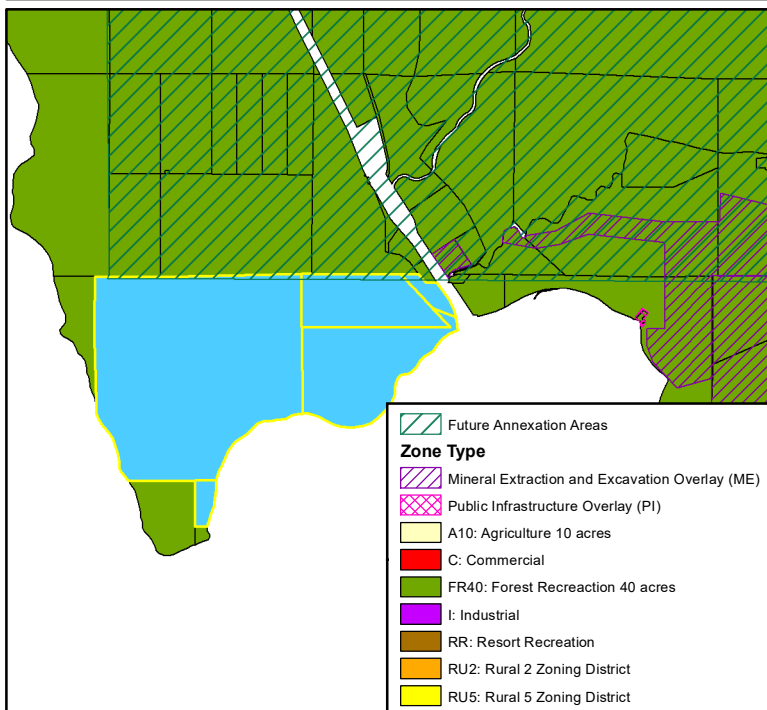


## Legend

- Proposed Rezone
- Mineral Extraction and Excavation Overlay (ME)
- Public Infrastructure Overlay (PI)
- A10: Agriculture 10 acres
- C: Commercial
- FR40: Forest Recreation 40 acres
- I: Industrial
- RR: Resort Recreation
- RU2: Rural 2 Zoning District
- RU5: Rural 5 Zoning District
- Winter Maintenance
- County Roads
- Highways
- Municipal Boundaries
- Subdivisions
- Parcels

## Average Parcel Size

Adjacent Parcels	Without a Home: 132.7 Acres (15 Parcels)
1/4 Mile Buffer	Without a Home: 113.3 Acres (20 Parcels)
1/2 Mile Buffer	Without a Home: 109.4 Acres (28 Parcels)



5/11/2021

## GIS PARCEL SUMMARY

*Not Authoritative — For Preliminary Review Only*

*Generated on 27 May, 2021 at 10:00 AM*

**Parcel Number:** 10-002-0005

**Property Address:** (Not Available)

**Tax Roll Acreage:** 552.52

**Owner Name:** STONE MOUNTAIN  
PROPERTIES LLC

**Owner Address:** 4040 S 300 W  
SALT LAKE CITY, UT 84107-  
1411

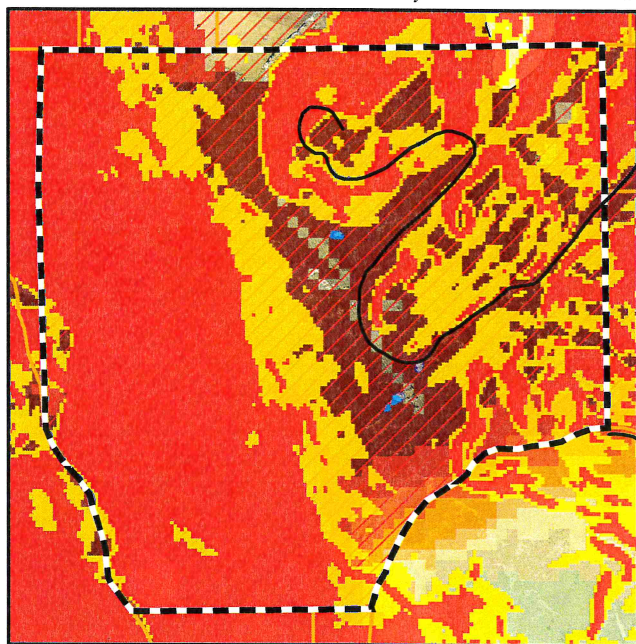
**Jurisdiction:** Cache County

**Future**

**Annexation Area:** Wellsville

**Base Zone:** FR40

**Overlay Zone:** None



*Comprehensive maps can be found  
at [www.cachecounty.org/gis](http://www.cachecounty.org/gis)*

**Initial Parcel** Potentially a legal parcel

**Legality Review:** Appears to have the same configuration as on August 8, 2006

**NOTE:** Parcel legality does **NOT** guarantee that a parcel or lot is buildable; it is only one step in the development process.  
All other requirements must still be met. Parcel legality should be verified before submitting a land use application.

## Areas That May Require Further Analysis

Wetlands  
Water Bodies  
Moderate Slopes

Steep Slopes  
Landslides

Wildland-Urban Interface  
Wildfire Hazard Areas

This overview is based on the information in the Cache County GIS databases. Please verify the potential presence of areas requiring further analysis with the County's webmaps. Sections 17.10, 17.17, and 17.18 of the Cache County Land Use Ordinance contain the development standards and requirements associated with these areas. The definition of "Parcel/Lot" in Section 17.07.040 outlines parcel legality.

Cache County assumes no liability for any errors, omissions, or inaccuracies in the information provided regardless of the cause of such or for any decision made, action taken, or action not taken by the user in reliance upon any maps or information provided herein. All datasets may contain errors. The information shown here is not intended to replace evaluation by a competent, licensed professional. In particular, the parcel boundaries are representational only and are not legal definitions of real property, nor are they intended to replace a land survey by a licensed surveyor.



## GIS PARCEL SUMMARY

*Not Authoritative — For Preliminary Review Only*

**Parcel Number:** 10-002-0009

**Property Address:** (Not Available)

**Tax Roll Acreage:** 12.0

**Owner Name:** STONE MOUNTAIN  
PROPERTIES LLC

**Owner Address:** 4040 S 300 W  
SALT LAKE CITY, UT 84107-  
1411

**Jurisdiction:** Cache County

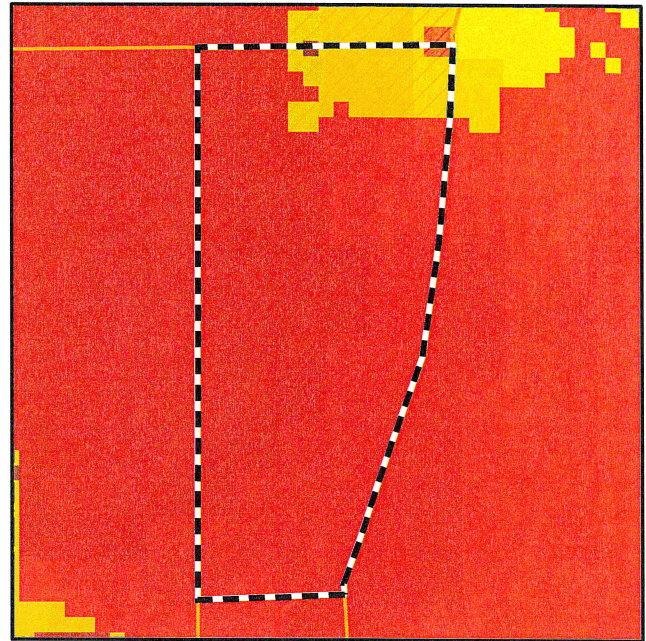
**Future**

**Annexation Area:** None Declared

**Base Zone:** FR40

**Overlay Zone:** None

*Generated on 27 May, 2021 at 10:01 AM*



*Comprehensive maps can be found  
at [www.cachecounty.org/gis](http://www.cachecounty.org/gis)*

**Initial Parcel** Potentially a legal parcel

**Legality Review:** Appears to have the same configuration as on August 8, 2006

**NOTE:** Parcel legality does **NOT** guarantee that a parcel or lot is buildable; it is only one step in the development process. All other requirements must still be met. Parcel legality should be verified before submitting a land use application.

## Areas That May Require Further Analysis

Moderate Slopes  
Steep Slopes

Wildland-Urban Interface

Wildfire Hazard Areas

This overview is based on the information in the Cache County GIS databases. Please verify the potential presence of areas requiring further analysis with the County's webmaps. Sections 17.10, 17.17, and 17.18 of the Cache County Land Use Ordinance contain the development standards and requirements associated with these areas. The definition of "Parcel/Lot" in Section 17.07.040 outlines parcel legality.

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## GIS PARCEL SUMMARY

*Not Authoritative — For Preliminary Review Only*

*Generated on 27 May, 2021 at 10:02 AM*

**Parcel Number:** 10-004-0003

**Property Address:** (Not Available)

**Tax Roll Acreage:** 100.0

**Owner Name:** STONE MOUNTAIN  
PROPERTIES LLC

**Owner Address:** 4040 S 300 W  
SALT LAKE CITY, UT 84107-  
1411

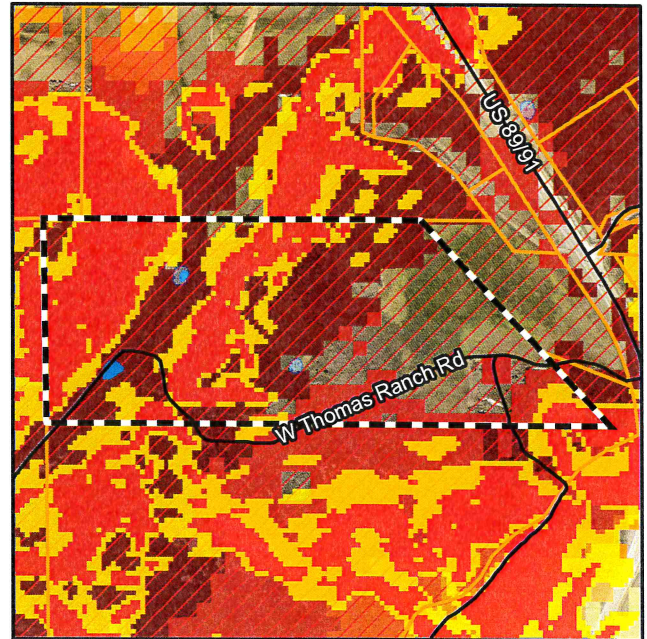
**Jurisdiction:** Cache County

**Future**

**Annexation Area:** Wellsville

**Base Zone:** FR40

**Overlay Zone:** None



*Comprehensive maps can be found  
at [www.cachecounty.org/gis](http://www.cachecounty.org/gis)*

**Initial Parcel** Potentially a legal parcel

**Legality Review:** Appears to have the same configuration as on August 8, 2006

**NOTE:** Parcel legality does **NOT** guarantee that a parcel or lot is buildable; it is only one step in the development process. All other requirements must still be met. Parcel legality should be verified before submitting a land use application.

## Areas That May Require Further Analysis

Wetlands  
Water Bodies  
Source Water Protection  
Zones 1 or 2

Moderate Slopes  
Steep Slopes

Wildland-Urban Interface  
Wildfire Hazard Areas

This overview is based on the information in the Cache County GIS databases. Please verify the potential presence of areas requiring further analysis with the County's webmaps. Sections 17.10, 17.17, and 17.18 of the Cache County Land Use Ordinance contain the development standards and requirements associated with these areas. The definition of "Parcel/Lot" in Section 17.07.040 outlines parcel legality.

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## GIS PARCEL SUMMARY

*Not Authoritative — For Preliminary Review Only*

Generated on 27 May, 2021 at 10:02 AM

**Parcel Number:** 10-004-0004

**Property Address:** (Not Available)

**Tax Roll Acreage:** 10.0

**Owner Name:** STONE MOUNTAIN  
PROPERTIES LLC

**Owner Address:** 4040 S 300 W  
SALT LAKE CITY, UT 84107-  
1411

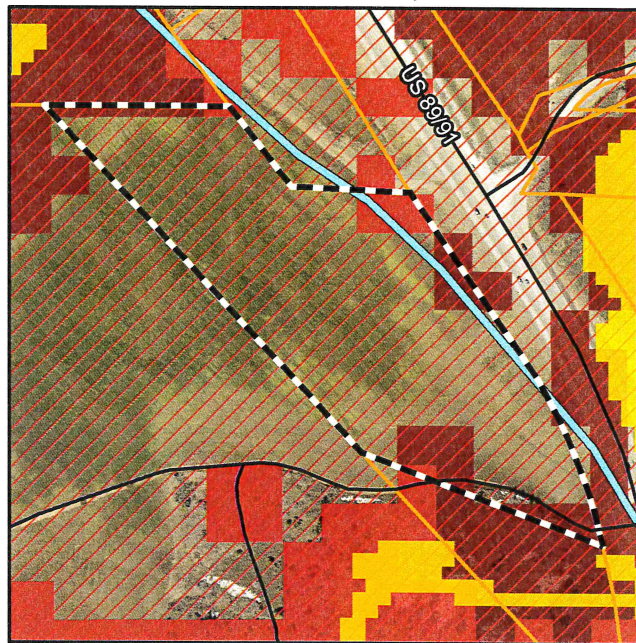
**Jurisdiction:** Cache County

**Future**

**Annexation Area:** Wellsville

**Base Zone:** FR40

**Overlay Zone:** None



Comprehensive maps can be found  
at [www.cachecounty.org/gis](http://www.cachecounty.org/gis)

**Initial Parcel** Potentially a legal parcel

**Legality Review:** Appears to have the same configuration as on August 8, 2006

**NOTE:** Parcel legality does **NOT** guarantee that a parcel or lot is buildable; it is only one step in the development process. All other requirements must still be met. Parcel legality should be verified before submitting a land use application.

## Areas That May Require Further Analysis

Moderate Slopes  
Fault Lines

Wildland-Urban Interface

Wildfire Hazard Areas

This overview is based on the information in the Cache County GIS databases. Please verify the potential presence of areas requiring further analysis with the County's webmaps. Sections 17.10, 17.17, and 17.18 of the Cache County Land Use Ordinance contain the development standards and requirements associated with these areas. The definition of "Parcel/Lot" in Section 17.07.040 outlines parcel legality.

Cache County assumes no liability for any errors, omissions, or inaccuracies in the information provided regardless of the cause of such or for any decision made, action taken, or action not taken by the user in reliance upon any maps or information provided herein. All datasets may contain errors. The information shown here is not intended to replace evaluation by a competent, licensed professional. In particular, the parcel boundaries are representational only and are not legal definitions of real property, nor are they intended to replace a land survey by a licensed surveyor.



## GIS PARCEL SUMMARY

*Not Authoritative — For Preliminary Review Only*

*Generated on 27 May, 2021 at 10:03 AM*

**Parcel Number:** 10-004-0006

**Property Address:** 5400 W 10200 S  
WELLSVILLE

**Tax Roll Acreage:** 157.24

**Owner Name:** STONE MOUNTAIN  
PROPERTIES LLC

**Owner Address:** 4040 S 300 W  
SALT LAKE CITY, UT 84107-1411

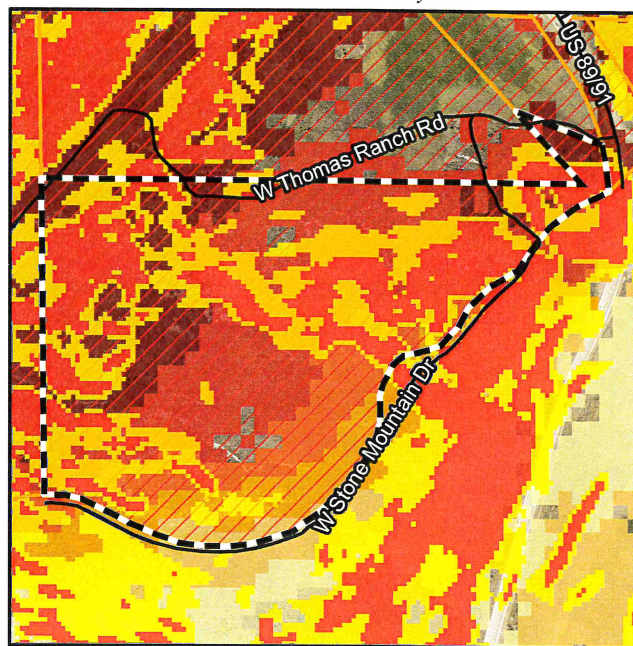
**Jurisdiction:** Cache County

**Future**

**Annexation Area:** None Declared

**Base Zone:** FR40

**Overlay Zone:** Public Infrastructure Overlay (PI)



*Comprehensive maps can be found  
at [www.cachecounty.org/gis](http://www.cachecounty.org/gis)*

**Initial Parcel** Potentially a **legal** parcel

**Legality Review:** Appears to have the same configuration as on August 8, 2006

**NOTE:** Parcel legality does **NOT** guarantee that a parcel or lot is buildable; it is only one step in the development process. All other requirements must still be met. Parcel legality should be verified before submitting a land use application.

## Areas That May Require Further Analysis

Source Water Protection  
Zones 1 or 2  
Moderate Slopes

Steep Slopes  
Wildland-Urban Interface

Wildfire Hazard Areas

This overview is based on the information in the Cache County GIS databases. Please verify the potential presence of areas requiring further analysis with the County's webmaps. Sections 17.10, 17.17, and 17.18 of the Cache County Land Use Ordinance contain the development standards and requirements associated with these areas. The definition of "Parcel/Lot" in Section 17.07.040 outlines parcel legality.

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## **PARCEL LEGALITY**

---

### **Summary**

Parcel legality in the unincorporated county is established by the definition of “Lot/Parcel” in section 17.07 of the Cache County Land Use Ordinance (<http://bit.ly/lotparcel>). In a nutshell, there are two checks to see if a parcel is legal:

1. Is the parcel currently the same as shown on an approved, recorded subdivision plat?
2. If it's not in a recorded subdivision, is it the same size and shape as it was on August 8, 2006?

### **How the Legality Check Works**

The GIS Parcel Summary Tool is designed to get you 80% of the way towards determining whether a parcel is legal. Determining if one parcel has the same shape as another is simple for humans but much more difficult for a computer. Instead of comparing the parcel's current shape with its 2006 shape, the Tool does two separate checks for each parcel:

1. Is the center point of the parcel inside a subdivision boundary?
2. Is the parcel's current System ID in the list of System IDs that existed as of August 8, 2006?

### **What is a System ID?**

System IDs are an internal number assigned to each variation of a parcel to track its acreage over time for tax purposes. A new System ID is generated any time a parcel's legal acreage changes or a new parcel is created. So, if a parcel still has the same System ID, it's a good bet it hasn't significantly changed.



















If the center is inside a subdivision boundary, the Tool reports “Potentially a subdivision lot.” If it isn't, you'll see “Potentially a legal parcel” or “Potentially a restricted parcel” based on the results of the second check. Regardless, the Tool will always report whether it thinks the parcel has changed since August 8, 2006.

### **Limitations**















The Tool is not perfect and can miss some situations like the following:

- The parcel hasn't changed, but the legal acreage has been updated.
- A boundary line agreement updates the legal description without significantly changing the property (but still triggers a change in System ID).
- A subdivision lot's boundary is changed without a subdivision amendment, which would make the lot restricted until the plat is properly amended.
- A sliver of a parcel is split off for right-of-way on a UDOT project.

The GIS Parcel Summary Tool should **only be used as the first step** in the legality and sensitive area reviews. **County Planning and Zoning staff** can help you verify if a parcel is legal.

AREA	LEGEND	IF AREA IS PRESENT:
Natural and/or Manmade Waterways		
Wetlands		Wetland delineation, the review and determination of wetland areas, may be required. Development in wetland areas shall not occur except as permitted by the U.S. Army Corps of Engineers. Wetland acreage does not count toward the assessment of developable acreage.
Water Bodies		Development shall not occur in waterways, and acreage identified as waterways does not count toward the assessment of developable acreage. Additional setbacks are required from waterways.
Major Waterways		
Canals		
Floodplain		
FEMA Floodplain		A Floodplain Permit is required. <a href="#">See §17.18.040 Sensitive Areas Analysis [A-2-c]</a> and <a href="#">§17.18.050 Standards and Development Plan [B-3]</a> for requirements. If structures are located within the county floodplain buffer, the owner/developer must provide an elevation certificate documenting a minimum of 1' of freeboard for structures, or meet the requirements of FEMA Technical Bulletin 1 / August 2008.
Floodplain Buffer		
Source Water Protection Zones		
Zone 1 or 2	(No symbol)	Septic systems are not permitted within Zone 1 or 2 of a source water protection zone. <a href="#">See §17.10.050 Supplemental Standards [A-3-b]</a> .
Slopes		
Moderate Slopes		Any development on moderate slopes requires a geotechnical report. <a href="#">See §17.18.040 Sensitive Areas Analysis [A-2-a]</a> and <a href="#">§17.18.050 Standards and Development Plan [B-1, 5]</a> , and <a href="#">§17.18.060 Geotechnical Report Minimum Standards</a> for requirements.
Steep Slopes		Development is not permitted on steep slopes, and this acreage does not count toward the assessment of developable acreage. <a href="#">See §17.18.040 Sensitive Areas Analysis [A-1-b]</a> and <a href="#">§17.18.050 Standards and Development Plan [A-2]</a> for requirements.
Geologic Hazards		
Fault Lines		A geotechnical report is required if development is proposed within the hazard area(s). <a href="#">See §17.07.040 General Definitions; Geologic Hazard; Sensitive Area</a> ; for requirements see <a href="#">§17.18.040 Sensitive Areas Analysis [A-2-e]</a> and <a href="#">§17.18.050 Standards and Development Plan [B-5]</a> , and <a href="#">§17.18.060 Geotechnical Report Minimum Standards</a> .
Debris Flow		
Landslide Scarps		
Landslide		
Liquefaction Potential:		
6=Moderate to High		
7= High		
Important Habitat Areas		
Maguire Primrose		A Habitat Management Plan is required. <a href="#">See §17.18.040 Sensitive Areas Analysis [A-2-d]</a> and <a href="#">§17.18.050 Standards and Development Plan [B-4]</a> for requirements.
Canada Lynx		
Greater Sage Grouse		
Yellow-Billed Cuckoo		



Wildfire Hazards																		
Wildland-Urban Interface		Wildland-Urban Interface; Additional requirements and standards may apply. Contact the Cache County Fire District (435) 755-1670 and refer to the <a href="#">2006 Utah Wildland-Urban Interface Code</a> .																
Wildfire Threat Level Index																		
<table><thead><tr><th>Wildfire Threat Level</th><th>Assess Group</th></tr></thead><tbody><tr><td>0 Urban, Agriculture, Barren or Water</td><td></td></tr><tr><td>1 Very Very Low</td><td rowspan="3">LOW</td></tr><tr><td>2 Very Low</td></tr><tr><td>3 Low</td></tr><tr><td>4 Low to Moderate</td><td rowspan="3">MODERATE</td></tr><tr><td>5 Moderate</td></tr><tr><td>6 Moderate to High</td></tr><tr><td>7 High</td><td rowspan="3">HIGH</td></tr><tr><td>8 Very High</td></tr><tr><td>9 Extreme</td></tr></tbody></table>	Wildfire Threat Level	Assess Group	0 Urban, Agriculture, Barren or Water		1 Very Very Low	LOW	2 Very Low	3 Low	4 Low to Moderate	MODERATE	5 Moderate	6 Moderate to High	7 High	HIGH	8 Very High	9 Extreme		The Utah Wildfire Risk Assessment Portal ( <a href="https://wildfirerisk.utah.gov/">https://wildfirerisk.utah.gov/</a> ) is the primary mechanism for Utah Division of Forestry, Fire, and State Lands to deploy wildfire risk information and create awareness about wildfire issues across the state. The Wildfire risk and threat data layers were developed as part of the West Wide Wildfire Assessment covering the seventeen Western States. Collectively these applications will provide the baseline information needed to support mitigation and prevention efforts across the state. A more detail report can be generated from the website link above.
Wildfire Threat Level	Assess Group																	
0 Urban, Agriculture, Barren or Water																		
1 Very Very Low	LOW																	
2 Very Low																		
3 Low																		
4 Low to Moderate	MODERATE																	
5 Moderate																		
6 Moderate to High																		
7 High	HIGH																	
8 Very High																		
9 Extreme																		
Agricultural Protection Areas																		
Protection Areas		See the recorded Agriculture Protection Area. <a href="#">See §2.70 Agriculture Protection Area Advisory Board</a> ; See also <a href="#">UCA §17-41</a> .																
300' Buffer																		
Airport Overlays																		
65 Ldn Noise Area		For airport areas, <a href="#">see §17.17.060 Schedule of Uses to determine if the proposed use is permitted in the airport zone</a> . Federal Aviation Administration (FAA) review may also be required.																
Inner Approach Zone																		
Approach Zone																		
Traffic Pattern Zone																		
Influence Area																		
FAA Regulation Part 77																		
1,000 ft / 100 = 10 ft																		
2,000 ft/ 100 = 20 ft																		
3,000 ft/ 100 = 30 ft																		
4,000 ft/ 100 = 40 ft																		
4,500 ft/ 100 = 45 ft																		
Encroachment Permit or Road Function Class																		
Encroachment Permit	(No Symbol)	An Encroachment Permit is required when working within the county right-of-way see, <a href="#">§12.02.020: Development of Roadways</a>																
Section Corner Disturbance Notification																		
Section Corner Disturbance		Disturbed section corner—County Surveyor to be notified. <a href="#">See Utah State Code 17-23-14</a>																

<b>County Road Function Class</b>		
County Road Function Class	<i>(No Symbol)</i>	The concept of functional classification of roadways is fundamental to establishing criteria to be used in the geometric design of highways and streets. The functional classification of a roadway identifies the relative importance of the mobility and access functions for that roadway. <a href="#">§12.02.020: Development of Roadways</a>

## Staff Report: Christy Rezone

3 June 2021

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:** Aaron Christy

**Parcel ID#:** 11-033-0003

**Staff Recommendation:** None

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

## Location

*Reviewed by Angie Zetterquist*

### Project Address:

5519 West 2000 South  
Mendon

**Acres:** 5.0

### Surrounding Uses:

North – Agricultural/Mendon City

South – Agricultural

East – Residential

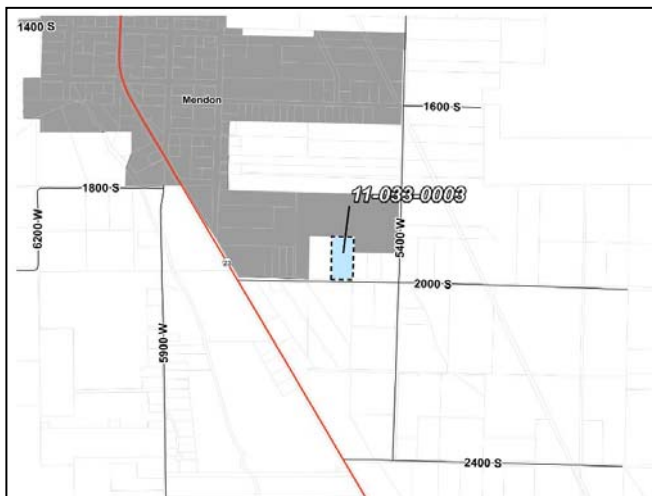
West – Residential/Mendon City

### Current Zoning:

Agricultural (A10)

### Proposed Zoning:

Rural 2 (RU2)



## Findings of Fact

### A. Request description

1. A request to rezone 5.0 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
2. This rezone may allow the parcel to be legally divided into a maximum of 2 separate lots as part of a subdivision process.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text:

**a. Land Use Context:**

- i.** Parcel status: The subject property is legal as it is in the same size and configuration as August 8, 2006. Under the current density requirements of the Agricultural (A10) Zone, the subject property cannot be further divided.
- ii.** Average Lot Size: There are 7 parcels immediately adjacent to the subject property in unincorporated County; three with a home and an average lot size of 4.0 acres and 4 without a home and an average lot size of 11.0 acres.

Within a ¼ mile buffer of the proposed rezone, there are no additional parcels in unincorporated County with a home. In the ¼ mile buffer area, there are 5 parcels in Mendon City with a home and an average size of 2.9 acres. Parcels without a home in the ¼ buffer area have an average size of 10.1 acres (22 parcels) in unincorporated County and 9.7 acres in Mendon (5 parcels).

When the buffer is expanded to ½ mile of the proposed rezone: parcels with a home in the County average 3.1 acres (30 parcels) and 1.3 acres in Mendon (46 parcels). There are 50 parcels without a home in the County within ½ mile of the proposed rezone averaging 11.5 acres and 19 parcels in Mendon without a home with an average size of 4.0 acres. (Attachment A)

The proposed RU2 zone allows a maximum density of 1 lot for every 2 acres, whereas the current A10 zone allows a maximum density of 1 lot for every 10 acres. With approximately 5.0 acres of property, the subject property cannot be further divided under the current A10 Zone standards. A rezone to RU2 may allow up to 2 buildable lots.
- iii.** Schedule of Zoning Uses: Under the current County Land Use Ordinance, the RU2 Zone is more restrictive in the uses allowed when compared to the Agricultural (A10) Zone. There are no uses that are allowed as a permitted or conditional use within the RU2 Zone that are not allowed as a permitted or conditional use within the A10 Zone. The following uses are conditional uses in the A10 Zone but are not allowed in the RU2 Zone:
  - Agricultural Manufacturing
  - Recreational Facility
  - Cemetery
  - Private Airport
  - Concentrated Animal Feed Operation
  - Livestock Auction Facility
  - Topsoil Extraction
- iv.** Adjacent uses: The properties adjacent to the subject rezone are primarily used for agriculture and single family dwellings and the boundary of Mendon City is immediately north and just west of the subject property divided by one residential lot.
- v.** Annexation Areas: The subject property is located within the Mendon City future annexation area. Mendon City was notified of the rezone request, but has not commented on the request at this time.
- vi.** Zone Placement: As identified by the Planning Commission and the County Council at the time the RU2 Zone was adopted, the intended/anticipated placement of this zone was in areas of the unincorporated county adjacent to municipalities. The Mendon City boundary, at its closest point, is to the west of the subject property separated only by a railroad right of way.

The nearest RU2 zone is immediately east of the subject property. This RU2 zone was approved as the Mountain View Meadow Rezone in November 2018. The

rezone was for a 6.29 acre parcel located on 2000 South, a maintained County road that required minimal improvements when the 3-lot subdivision was approved in February 2019.

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

4. As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
5. The current County Land Use Ordinance does not specify appropriate locations for the Rural 2 (RU2) Zone but does contain possible guidelines for its implementation. County Land Use Ordinance §17.08.030 [B] [1] identifies the purpose of the RU2 Zone and includes the following:
  - a. “To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.
  - b. To implement the policies of the Cache Countywide Comprehensive Plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipal standards.
  - c. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.”
6. Consideration of impacts related to uses allowed within the RU2 Zone will be addressed as part of each respective approval process required prior to site development activities.

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

1. §16.02.010 Standards and Lot Size – All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County Zoning Ordinance and within this title.
2. Table 17.10.040 Site Development Standards – Minimum lot frontage required in the A10 Zone is 90 feet.
3. §17.07.040 General Definitions – Lot/Parcel Frontage: that portion of a development site that abuts a public or private roadway. For the purposes of determining setback requirements on corner lots, all sides of a lot adjacent to a roadway shall be considered frontage
4. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
5. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
6. §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.
7. The Road Manual specifies the following:
  - a. Local Roads – Local roads are roads whose primary function is to provide access to residences, farms, businesses, or other properties that abut the road, rather than to serve through traffic. Although some through traffic may occasionally use a local road, through traffic service is not the primary purpose of local roads. For purposes of design and construction standards, local roads are subdivided into Major Local (ML) and Minor Local (L) roads.

- b. §2.1 Roadway Functional Classification – Major Local Road (ML): Major local roads serve a dual function of providing access to properties that abut the road as well as providing through or connection service between higher road classification facilities. Major local roads may have significant local continuity and may operate at relatively high speeds. Because of the possibility of through traffic, a meaningful segment of traffic on major local roads may include drivers who are unfamiliar with the roads. Traffic on major local roads is largely composed of passenger vehicles or other smaller vehicle types. Where a significant proportion traffic is trucks or other heavy vehicles, additional design consideration will be required. almost exclusively to provide access to properties adjacent to the road.
- c. Table B-6 Typical Cross Section Minimum Standards: Major local roads must meet the minimum standard of a 66-foot right-of-way, two 10-foot wide paved travel lanes with 6-foot wide shoulders (2 feet paved, 4 feet gravel): 14-inches depth of granular borrow, a 6-inches depth of untreated base course, and 3 inches of bituminous surface course (asphalt).
  - a. Table B-8 Typical Cross Section Structural Values: The minimum structural composition for major local roads requires 14” depth of granular borrow, 6” depth of road base, and 3” depth of asphalt.
- 7. A basic review of the access to the subject property identifies the following:
  - a. Primary access to the subject properties is from 2000 South, a County road.
- 8. 2000 South:
  - a. Is an existing county facility that provides access to multiple dwellings, agricultural uses, vacant lots, and provides through access from SR-23 to 5400 West.
  - b. Is classified as a Major Local Road.
  - c. Consists of an average width of 22 feet with a paved surface.
  - d. Is maintained year round by the County.

**D. Service Provisions:**

- 9. §16.04.080 [C] Fire Control – The County Fire District had no comments on the rezone. Future access must be reevaluated and may require improvements based on the location of any proposed structure on lots created through a subdivision process.
- 10. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental provides refuse collection in this area, but had no comments on the rezone request.

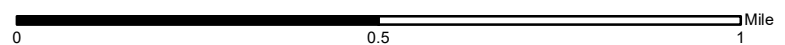
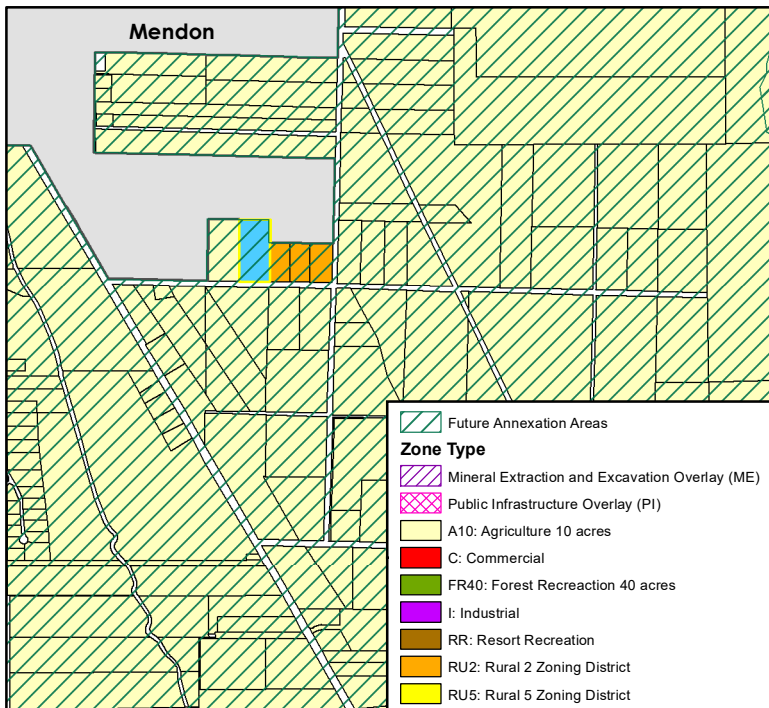
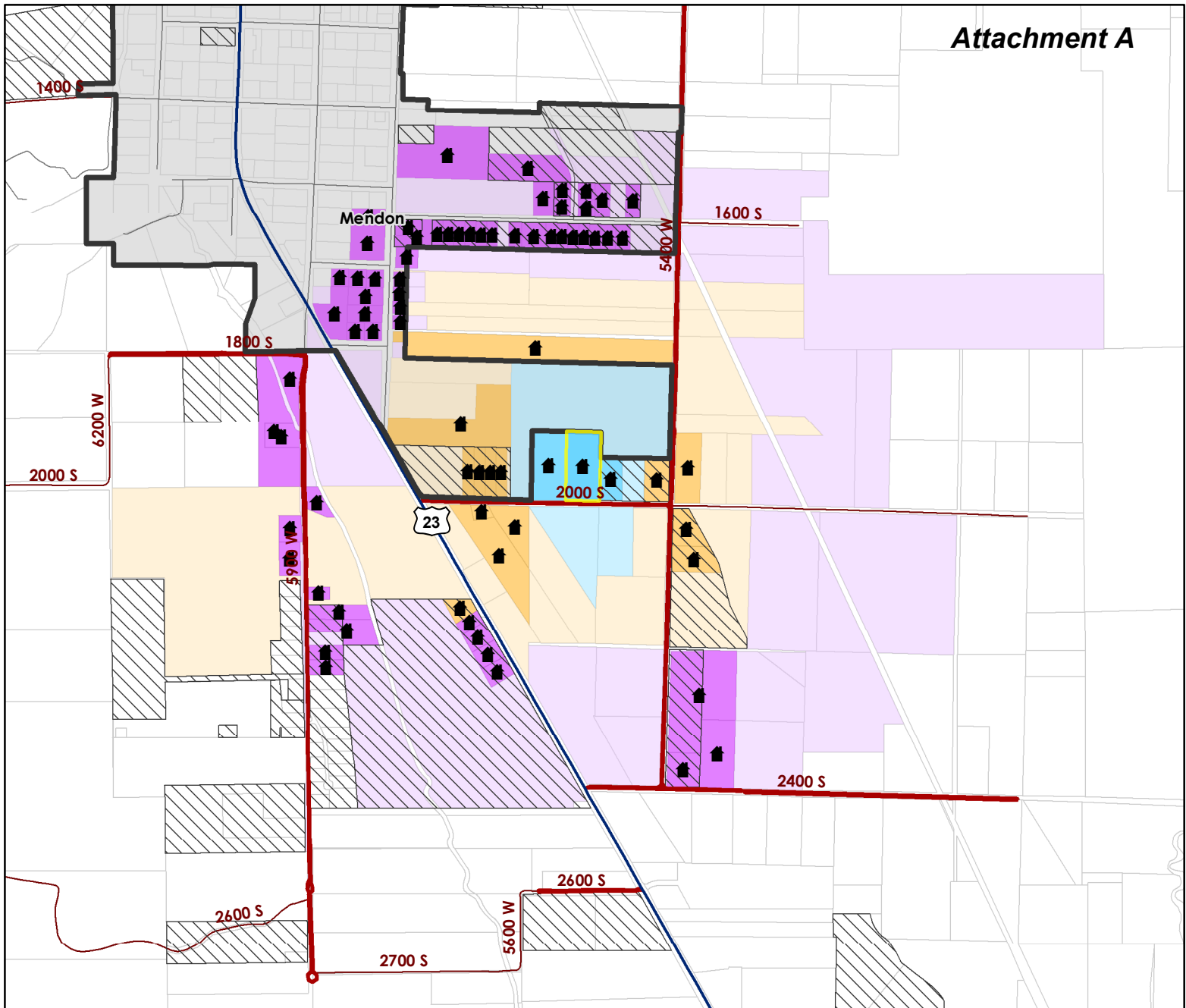
**E. Public Notice and Comment—§17.02.040 Notice of Meetings**

- 11. Public notice was posted online to the Utah Public Notice Website on 26 May 2021.
- 12. Notice was published in the Herald Journal on 22 May 2021.
- 13. Notices were posted in three public places on 21 May 2021.
- 14. Notices were mailed to all property owners within 300 feet and Mendon City on 21 May 2021.
- 15. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

## **Conclusion**

The Christy Rezone, a request to rezone 5.0 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. Staff has not made a recommendation on this request and can assist the Planning Commission in drafting a recommendation based on the findings of fact identified above and any others identified at the public hearing.





## Legend

- Proposed Rezone
- Municipal Boundaries
- Subdivisions
- Parcels
- Winter Maintenance
- County Roads
- Highways

Average Parcel Size	
Adjacent Parcels	With a Home: 4 Acres (3 Parcels)
	Without a Home: 11 Acres (4 Parcels)
1/4 Mile Buffer	With a Home: 4 Acres (12 Parcels)
	With a Home in Mendon: 2.9 Acres (5 Parcels)
	Without a Home: 10.1 Acres (22 Parcels)
1/2 Mile Buffer	Without a Home in Mendon City: 9.7 Acres (5 Parcels)
	With a Home: 3.1 Acres (30 Parcels)
	With a Home in Mendon City: 1.3 Acres (46 Parcels)
	Without a Home: 11.5 Acres (50 Parcels)
Without a Home in Mendon City: 4 Acres (19 Parcels)	



## **Christy Rezone**

### **Option 1 – Recommend Approval**

#### **Planning Commission Conclusion**

---

Based on the findings of fact noted herein, the Christy Rezone is hereby recommended for approval to the County Council as follows:

1. The location of the subject property is compatible with the purpose of the Rural (RU2) Zone as identified under §17.08.030[A] of the Cache County Code as it:
  - a. Is in close proximity to the Mendon City boundary.
  - b. Allows for residential development in a moderately dense pattern that can allow for rural subdivisions without impeding adjacent agricultural uses.

### **Option 2 – Recommend Denial**

#### **Planning Commission Conclusion**

---

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

1. The RU2 Zone is incompatible with the surrounding properties and pattern of development.

## Staff Report: The Cache Valley Straw Maze CUP

3 June 2021

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:** Travis Schroeder

**Parcel ID#:** 12-024-0011

**Staff Determination:** Approval with conditions

**Type of Action:** Administrative

**Land Use Authority:** Planning Commission

## Project Location

*Reviewed by Angie Zetterquist*

### Project Address:

6333 West 2000 North  
near Mendon

### Current Zoning:

Agricultural (A10)

**Acres:** 20 of 35.7

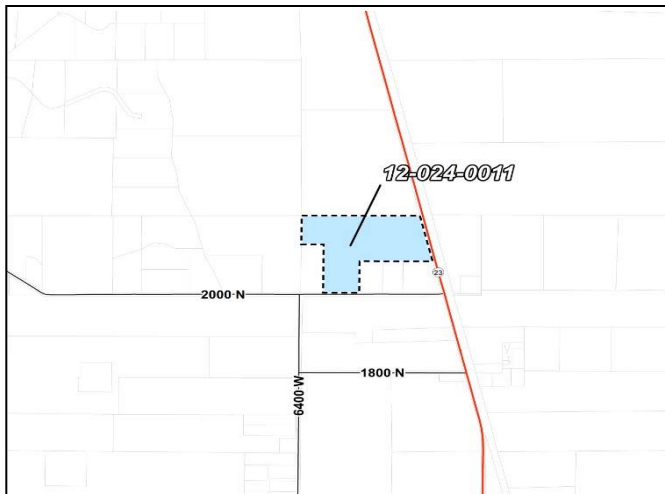
### Surrounding Uses:

North – Agricultural

South –Agricultural/Residential

East –Agricultural/Residential

West – Agricultural/Residential



## Findings of Fact

### A. Request description

1. The Cache Valley Straw Maze Conditional Use Permit (CUP) is a request to operate a recreational facility, Use Type 4100, on a 20-acre portion of a 35.7 acre residential lot in the Agricultural (A10) Zone that is part of the Blue Hawk Subdivision.
2. The project is described in the applicant's Letter of Intent and site plan (Attachment A).
  - a. Per the Letter of Intent, the applicant is proposing to operate a recreational facility that operates for 6 weeks in the fall and 4 weeks in December.
  - b. Activities proposed during the first year of operation include:

- Seasonal straw maze built with 1-ton bales (mid-September – October 31<sup>st</sup>) covering approximately 1.5 acres.
  - Seasonal straw maze with Christmas lights (December).
  - A 2-acre pumpkin patch.
  - Haunted straw maze in October on Friday and Saturday nights.
  - Mechanical swing.
  - Mechanical bull.
  - Straw pyramid (40' W x 40' D x 20' H).
  - Jump pad (35' x 35').
  - Slide (100' L x 20' W x 20' H).
  - Child-friendly zipline (100' L x 30' W x 8' H).
- c. Future activities planned for the recreational facility include all the above as well as:
- Hamster wheels.
  - Corn cannons.
  - Hatchet throwing.
  - Corn pit.
  - Barrel train.
  - PVC calf roping.
  - Food trucks.
- d. During the fall, the applicant states the number of employees will be between 5 to 8 on weekdays and 30 to 40 on weekends. The number of employees during the winter activities will be 10-15, per the Letter of Intent.
- e. Fall schedule hours of operation will be:
- Monday-Thursday: 4:00 PM-11:00 PM.
  - Friday: 3:00 PM-12:00 AM.
  - Saturday: 10:00 AM-12:00 AM.
- f. Winter schedule hours of operation will be:
- Monday-Thursday: 5:00 PM-10:00 PM.
  - Friday-Saturday: 5:00 PM-12:00 AM.
- g. Per the Letter of Intent, the applicant anticipates there will be 30,000 customers each season and will use 5 acres at the east end of the property adjacent to SR 23 as a parking lot. The parking lot plan provided shows a total of 668 parking stalls at 8.5' W x 20' D with 40-foot wide drive aisles. ***See condition #1***
- h. The applicant is proposing a sign located adjacent to SR 23. ***See condition #2***
- i. Refuse generated on site will be addressed with a rented dumpster and rented portable toilets are proposed for customer use.
- j. Structures will be limited to a proposed 20'x 12' ticket booth. ***See condition #3***
- k. Lighting will be provided by 6-8 light poles at 20 feet high with 250-watt lights/14,000 lumens that will be directed into the property and have shields to avoid light pollution on adjacent properties. ***See condition #4***
- l. The recreational facility area will be bordered by a 5-foot high wire mesh and barbed wire fence.
- m. Equipment used as part of the recreational facility includes: mechanical swing, four-wheeler to pull the barrel train, loader to move straw bales, and a Kubota-type tractor with wagon trailer for pumpkin patch rides. ***See condition #5***

3. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. *See condition #6*
4. The subject property is a legal parcel as it is Lot 1 of the Blue Hawk Subdivision recorded in 2007 and has not changed size or configuration.

**B. Conditional Uses *See conclusion #1***

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

**C. Compliance with law *See conclusion #1***

6. The County Land Use Ordinance stipulates that:
  - a. The proposed conditional use must comply with the regulations and conditions specified in the County Code and other applicable agency standards for such use.
  - b. The proposed conditional use must be consistent with the intent, function, and policies of the Cache County General Plan, Ordinance(s), and land use, and/or compatible with existing uses in the immediate vicinity.
7. §17.02.060, Establishment of Land Use Authority, authorizes the Planning Commission to act as a Land Use Authority for a CUP. *See conclusion #2*
8. §17.07.030, Use Related Definitions. The proposed use is best defined under "Use Type 4100, Recreational Facility". Per the definition in §17.07, a recreational facility is a place, either indoor or outdoor, designed and equipped for the conduct of sports and leisure time activities that is operated as a business and/or open to the general public. A recreational facility is operated for a period greater than 30 days per year and may also include incidental transient lodging accommodations for up to 15 rooms. For the purposes of a recreational facility only, "room" is defined as a self-contained area within a structure that has a maximum of two (2) sleeping areas, one bathroom, and no provision for cooking. A room provides sleeping accommodations for the general public utilizing the associated recreational facility. All rooms associated with a recreational facility must be contained within a single structure, and access to rooms must be primarily from interior lobbies or halls. A central kitchen and dining room catering to guests and the general public can be provided within the same structure. The term recreational facility includes, but is not limited to, the following: ski facility, golf course, and campground.
9. §17.09.030, Schedule of Uses by Zoning District, permits this use as a CUP in the Agricultural (A10) Zone if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses as noted.

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

10. The County Land Use Ordinance stipulates that:
  - a. Proposed CUP uses must not be detrimental to the public health, safety and welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A conditional use shall be considered detrimental if:
    - i. It causes unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar risks, and/or;
    - ii. It unreasonably interferes with the lawful use of surrounding property.

11. The primary activities as identified within The Cache Valley Straw Maze CUP Letter of Intent are proposed to be on 20 acres of the 35.7 acre property for a total of 10 weeks out of the year. With the conditions of approval, the proposed use will not cause unreasonable risks to the safety of persons or property and it does not unreasonably interfere with the lawful use of surrounding properties.

- a. Approval of a zoning clearance and building permits may be required to ensure compliance with the applicable codes. *See condition #3*

**E. Adequate service provision *See conclusion #1***

12. 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.

13. Access: Access to the recreational facility is proposed from SR 23, a UDOT facility classified as a Major Collector. Along the frontage of the subject property, the road has two lanes of traffic approximately 11 feet wide with no median or auxillary lanes. There does not appear to be an existing access off of SR 23 to the subject property. The applicant must obtain approval from UDOT for access and complete any required road improvements prior to recording the permit. A copy of all approvals, permits, etc, from UDOT must be provided to the Development Services Office. As the existing proposal does not access County road 2000 North, the suitability of that roadway has not been considered, and therefore access to the recreational facility is prohibited from 2000 North. *See conditions #7 & #8*

14. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).

15. Parking:

- a. §17.22 Off Street Parking Standards – Uses included under Use Index 4000, Cultural, Entertainment, and Recreation Uses, require a Parking Analysis be conducted to determine the required number of parking spaces needed. *See condition #1*

16. Refuse:

- a. Any refuse generated on site will be collected in a rented dumpster, per the Letter of Intent. The applicant must coordinate with Logan Environmental to provide services. *See condition #9*

17. Fire: §16.04.080 [C] Fire Control – The applicant must submit a plan review to the County Fire District for review and approval. Any additional requirements and/or improvements determined as part of the Fire District review must be completed prior to recording the permit. Written confirmation of Fire District approval of the plan review must be provided to the Development Services Department. *See condition #10*

18. Water Requirements – Recreational facilities do not require confirmation of domestic culinary water rights.

19. Septic – The applicant states in the Letter of Intent that the recreational facility will be utilizing portable toilets. Applicant must provide written confirmation from the Bear River Health Department as the number of portable toilets required for the proposed use. *See condition #11*

**F. Impacts and mitigation *See conclusion #1***

20. 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.”
21. 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.
22. Known or reasonably anticipated detrimental effects of the use are as follows:
  - a. Parking: The recreational facility is anticipated to draw a large number of vehicles to the site during events. The parking area should be clearly marked to allow for clear drive aisles, turn around areas, and ensure that vehicles do not block emergency access to the site. *See condition #1*
  - b. Noise: The proposed use may result in negative noise impacts on the surrounding properties. This detrimental effect must be mitigated by the applicant so as to limit the impact on surrounding properties. *See condition #12*
  - c. Light pollution: The recreational facility proposes using a number of tall, bright, lights to illuminate the site during the evening hours. There are residential dwellings adjacent to the subject property that may be detrimentally effected by light pollution caused by these lights. Applicant must provide a site plan showing the precise location of the light poles and provide detailed information on the design of the light poles and how light pollution will be shielded from the adjacent residential properties. *See condition #4*
  - d. Visual nuisance: As the proposed recreational facility will operate for 10 weeks of the year, there is the potential for the old straw bales and other equipment used as part of the recreational facility to become a visual nuisance to surrounding properties if not maintained throughout the year. The applicant must remove old straw bales and other equipment during the off-season to ensure it does not become a visual nuisance. *See condition #13*
  - e. Land disturbance/Stormwater: Preparing the subject property to be utilized as a recreational facility will result in a significant amount of land disturbance. The applicant must provide site improvements plans prepared by a licensed professional for the review and approval of the Development Services and Public Works Departments. Plans must include, but are not limited to: scaled site plan, site grading, site drainage, and site details. A stormwater report is also required detailing how the proposed development will manage rainfall on-site and prevent the off-site discharge of precipitation. *See condition #14 & 15*

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

23. Public notice was posted online to the Utah Public Notice Website on 26 May 2021.
24. Notice was published in the Herald Journal on 22 May 2021.
25. Notices were posted in three public places on 21 May 2021.
26. Notices were mailed to all property owners within 300 feet of the subject properties on 21 May 2021.
27. At this time, no written public comment regarding this proposal has been received by the Development Services Office.



## Conditions

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

1. Prior to recording the permit, a Parking Analysis as defined by the Cache County Land Use Ordinance must be submitted to the Development Services Office and Public Works Department for the review and approval of the Directors to determine the number of parking spaces needed for the facility. Evidence of professional licensure in the State of Utah must also be provided by the person preparing the analysis. Based on the results of the approved Parking Analysis, the applicant must submit a site plan that shows the parking area provides the required number of parking spaces and is clearly marked allowing for clear drive aisles, turn-around areas, and ensures that vehicles will not block emergency access to the site. *(A-2-g, E-15-a, F-22-a)*
2. Proposed signage, must meet the minimum standards of UDOT, §17.23 Sign Standards of the County Code, obtain approval of a County Zoning Clearance, and may require a County building permit prior to installation. *(A-2-h)*
3. The applicant must obtain any required zoning clearances and building permits for proposed structures prior to construction, if applicable. *(A-2-j, D-11)*
4. Prior to recording the permit, a detailed design plan shall be submitted for the parking lot landscaping and lighting for review and approval by the Director of Development Services, or designee. The design plan must specify the method for minimizing light from negatively impacting neighboring properties. *(A-2-k, F-22-c)*
5. The equipment stored on-site to maintain the recreational facility must not be stored in the required parking area and must be screened from the roadway. *(A-2-m)*
6. The applicant and operator(s) must abide by the information as provided in the application and the information and conditions as identified in this report. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. *(A-3)*
7. Prior to recording the permit, the applicant must obtain approval from UDOT to access the subject property from SR 23 and make any required road improvements as part of that approval. Copies of all permits, approvals, and finalized permits from UDOT for the access must be provided to the Development Services Office. *(E-13)*
8. Access to the proposed recreational facility from County road 2000 North is prohibited. *(E-13)*
9. The applicant must coordinate removal of refuse in the rented dumpster(s) from the site with Logan Environmental Services. *(E-16-a)*
10. Prior to recording the permit, the applicant must submit a plan review to the County Fire District for their review and approval and any improvements required to ensure emergency access to the site must be completed. Copies of any approvals, permits, and/or finalized permits from the Fire District must be provided to the Development Services Office. *(E-17)*
11. Prior to recording the permit, the applicant must contact Bear River Health Department to determine the number of portable toilets required for the proposed recreational facility. A copy of the requirements from Bear River Health Department must be provided to the Development Services Office. *(E-19)*
12. The applicant must identify and mitigate the detrimental effect of noise impacts from participants or activities when operating the facility such as fencing or screening so as to limit the impact on surrounding properties. A noise impact and mitigation plat must be provided to the Development Services Department for the review and approval of the director. *(F-22-b)*



13. Prior to recording the permit, the applicant must submit a site maintenance plan to the Development Services Department for the review and approval of the Director, that details how the recreational facility will be maintained during the off-season to avoid the creation of a visual nuisance. *(F-22-d)*
14. Prior to recording the permit, the applicant must submit site improvement plans prepared by a licensed professional to the Public Works Department for review and approval, and that include, but are not limited to, scaled site plan, site grading plan, site drainage, and site details. Written confirmation from the Public Works Department of their review and approval of the site improvement plans must be provided to the Development Services Office. *(F-22-e)*
15. Prior to recording the permit, the applicant must submit a stormwater report prepared by a licensed professional to the Public Works Department for review and approval, detailing how the proposed development will manage rainfall on-site and prevent the off-site discharge of the precipitation from all rainfall events less than or equal to the 80<sup>th</sup> percentile rainfall event or a predevelopment hydrologic condition, whichever is less. Written confirmation from the Public Works Department of their review and approval of the storm water plan must be provided to the Development Services Office. *(F-22-e)*

## **Conclusions**

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Based on the findings of fact and conditions noted herein, The Cache Valley Corn Maze CUP is hereby approved as follows:

1. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Land Use Ordinance, and; *See B, C, D, E, F*
2. As per §17.02.060, Establishment of Land Use Authority, the Planning Commission is authorized to act as the Land Use Authority for this CUP request. *See C-7*

Letter of Intent

1. Request explanation

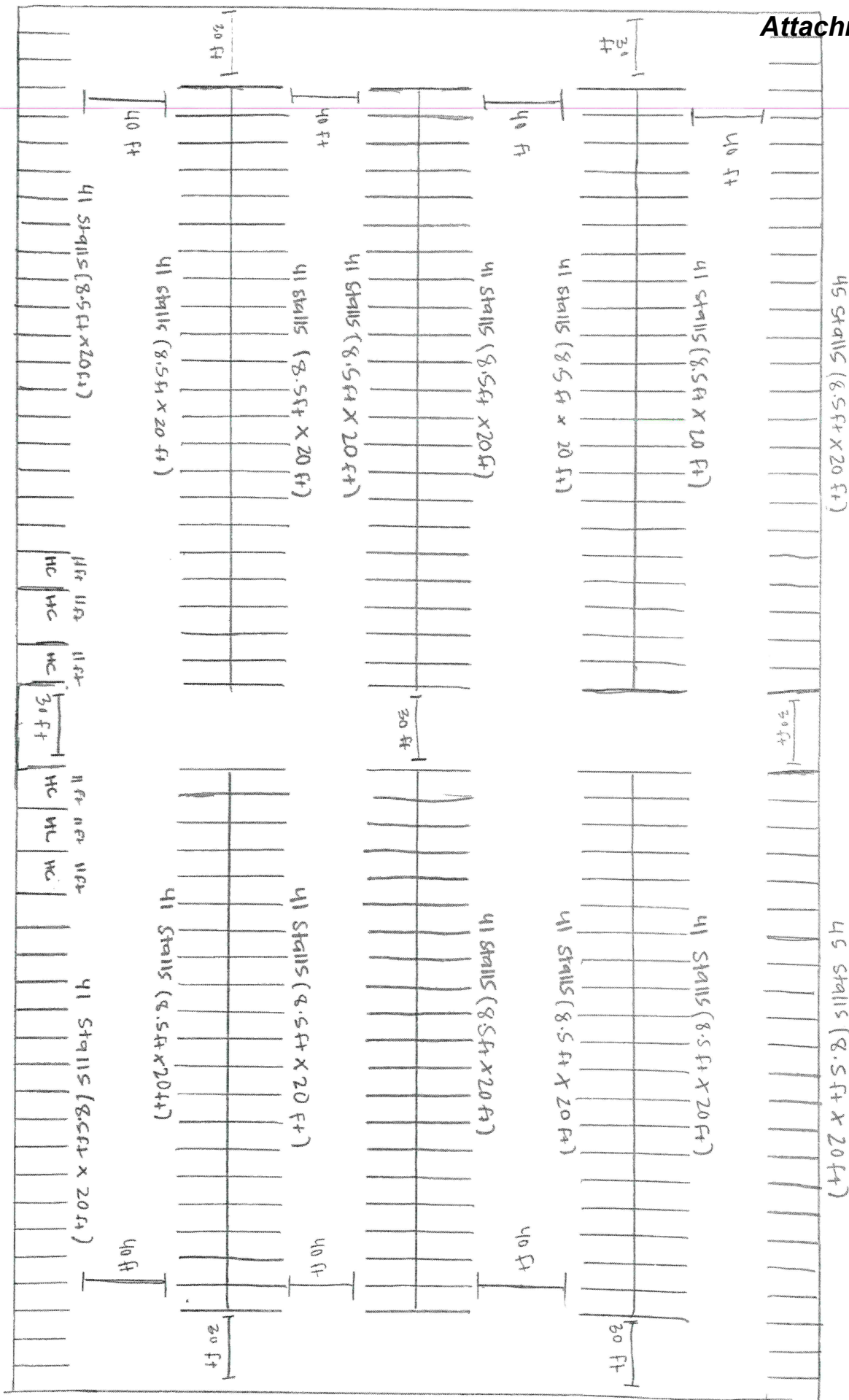
- a. The proposed use for this property is for a straw maze and pumpkin patch with Christmas lights in December. The straw maze would be open for 6 weeks in the fall and 4 weeks in the month of December. Our goal is to provide a safe, family friendly environment where the community can gather and enjoy activities.
- b. Detailed uses would include:
  - i. Year 1 operations
    1. Seasonal Straw maze built from 1-ton bales, approximately 175x250 sq. feet (mid-September-October 31<sup>st</sup>)
    2. Seasonal Straw maze Christmas lights (December)
    3. Pumpkin patch (2 acres)
    4. Haunted maze in October on Friday and Saturday Nights
    5. Mechanical swing (25 ft. diameter)
    6. Mechanical bull
    7. Straw pyramid (40 ft. x 40 ft. x 20 ft. high)
    8. Jump pad (35 ft. x 35 ft.)
    9. Slide (100 ft. long, 20 ft. wide, 20 ft. high)
    10. Child friendly Zip line (100 ft. long, 30 ft. wide, 8 ft. high)
  - ii. Future activities
    1. Hamster wheels
    2. Corn cannons
    3. Hatchet throwing
    4. Corn pit
    5. Barrel train
    6. PVC calf roping
    7. Food truck
- c. Number of employees
  - i. Fall Schedule
    1. Weekdays- 5-8
    2. Weekends- 30-40
  - ii. Winter Schedule
    1. 10-15
- d. Hours of operation
  - i. Fall Schedule
    1. Monday- Thurs. 4:00 p.m.- 11:00 p.m.
    2. Friday 3:00 p.m. – 12:00 a.m.
    3. Saturday 10:00 a.m. – 12:00 a.m.
  - ii. Winter Schedule
    1. Monday- Thurs. 5:00 p.m. – 10:00 p.m.
    2. Friday & Sat. 5:00 p.m. – 12:00 a.m.
- e. Traffic and parking
  - i. Anticipating 30,000 customers a season
  - ii. Parking lot on east end of property, 5 acres

1. Stalls (8.5 ft. by 20 ft.)
    - a. Total number of stalls- 668
  2. Lanes (40 ft.)
  - iii. Deliveries would include straw bales once a season via semi-truck
- f. Signage
  - i. The Cache Valley Straw Maze
  - ii. Sign along the east end of property along Highway 23 (8 ft. x 10 ft)
- g. Equipment
  - i. Mechanical swing
  - ii. Four-wheeler to pull the barrel train
  - iii. Loader for movement of bales
  - iv. Small Kabota tractor with wagon trailer for pumpkin patch rides
- h. Waste/Garbage
  - i. Rented dumpster
  - ii. Rented portable toilet
2. Site plan: Picture attached separately- picture drawn to scale, dimensions included
  - a. Explanations and notes
    - i. Zip line, straw pyramid, swing, slide, mechanical bull, jump pad, food truck- not permanent locations- subject to change in open space
    - ii. Zip line (100 ft. long, 30 ft. wide, 8 ft. high)
    - iii. Straw pyramid (40 ft. x 40 ft. x 20 ft)
    - iv. Swing (25 ft. diameter)
    - v. Slide (100 ft. x 20 ft. x 20 ft)
    - vi. Mechanical bull
    - vii. Jump pad (35 ft. x 35 ft.)
    - viii. Food truck
    - ix. Parking lot dimensions: Stalls 8.5 ft wide, 20 feet long. 40 ft. wide lanes
      1. 668 total stalls
      2. 6 handicapped stalls 11 ft. wide
    - x. Straw Maze dimensions: 175 ft. x 250 ft. (approximately 1.5 acres)
    - xi. Pumpkin patch (2 acres)
    - xii. Ticket booth (20ft. x 12 ft.)
    - xiii. Lighting- 20 ft. high, 250-watt lights, 14,000 lumens
      1. 6-8 light poles, shielded and directed into the property to avoid adjacent properties
    - xiv. Fencing around border of entire property- 5 ft. high- wire mesh and barbed wire with t-posts
3. New construction: NA

668

PARKING

← HWY 23 →



STRAW MAZE









