Revised



Planning Commission Agenda 2 September 2021

199 North Main, Logan, Utah | Historic Courthouse Council Chambers

4:45 p.m.

Workshop & Light Refreshments in the County Council Conference Room

5:30 p.m.

Call to order
Opening remarks/Pledge – Melinda Lee
Review and approval of agenda
Review and approval of the minutes of the 5 August 2021 meeting

5:35 p.m.

Consent Items

1. Mendon South Subdivision 1st Amendment – A request to combine Lots 1 & 2 of an existing 3-lot subdivision and restore the boundaries of a parcel not a part of the subdivision to its original configuration on 12 acres located at 5330 Red Fox Lane, near Mendon, in the Agricultural (A10) Zone.

6:00 p.m.

Public Hearing

2. Ordinance 2021-21 Amendments to Title 17 – Amending Title 17 to allow a new use type for agriculture related alcohol production and sales.

Regular Action Items

- 3. Bailey Acres Subdivision 1st Amendment A request to remove Lot 3 with 12.38 acres from an existing 4 lot subdivision located at 3387 South Highway 23, near Wellsville, in the Agricultural (A10) Zone. The acreage remaining in the subdivision will be approximately 42.9 acres. Removed due to surveying issues.
- **4. Bryan Hansen Conditional Use Permit** A request to operate a commercial kennel on a 2.17-acre property located at 1015 East 12600 North, Cove, in the Commercial (C) Zone. *Continued from 8 July 2021*
- **5.** Cold Water Private Airport Conditional Use Permit A request to operate a private airport on a portion of two parcels located at 2889 South 5900 West, near Mendon, in the Agricultural (A10) Zone.
- **6.** Rocky Mountain Reindeer Farm Conditional Use Permit A request to operate an agritourism facility on 8.85 acres located at 3750 W 6100 South, near Wellsville, in the Agricultural (A10) Zone.
- 7. West Edge Estates Conditional Use Permit A request to operate a storage and warehousing facility on 49 acres located at 2200 North 1200 West, near Logan, in the Industrial (I) Zone.

Revised



Planning Commission Agenda 2 September 2021

199 North Main, Logan, Utah | Historic Courthouse Council Chambers

- 8. Valley View Self Storage Conditional Use Permit A request to operate a self-service storage facility on a 4.80-acre property located at 1103 North 6000 West, near Mendon, in the Commercial (C) Zone.
- 9. Pending Action: Ordinance 2021-21 Amendments to Title 17 Amending Title 17 to allow a new use type for agriculture related alcohol production and sales.

Board Member Reports Staff reports Adjourn



Development Services Department

Building | GIS | Planning & Zoning

ΡI	lanning Commission Minutes	5 August 2021
Ite	<u>em</u>	Page
<u>C</u>	onsent Agenda Items	
1.	7200 North Subdivision	2
2.	Wendell Smith Lot Split Subdivision	2
3.	Riley & Annie Haviland Subdivision 1st Amendment	2
4.	Hill Top Farms Subdivision 1st Amendment	2
Re	egular Agenda Items	
5.	Public Hearing (5:35 PM) T&B Nielsen Rezone	2
6.	The Cache Valley Straw Maze Conditional Use Permit Revocation	4
7.	Discussion: Amendments to Title 17	4

- 1 Present: Angie Zetterquist, Chris Harrild, Brandon Spackman, Lane Parker, Brady Christensen, Chris
- 2 Sands, Melinda Lee, Nolan Gunnell, John Luthy, Matt Phillips, Megan Izatt, Jason Watterson
- 3 Start Time: 05:30:00
- 4 **Spackman** called the meeting to order and **Christensen** gave the opening remarks.
- 5 05:32:00
- 6 Agenda
- 7 Approved with no objection.
- 8 05:3:00
- 9 Minutes
- 10 Parker motioned to approve the July 8, 2021 minutes; Christensen seconded; Passed 6, 0.
- 11 05:33:00
- 12 Consent Agenda
- 13 #1 7200 North Subdivision
- 14 #2 Wendell Smith Lot Split Subdivision 2nd Amendment
- 15 #3 Riley & Annie Haviland Subdivision 1st Amendment
- 16 #4 Hill Top Farms Subdivision 1st Amendment
- 17 **Sands** motioned to approve the consent agenda with the conditions and conclusions as noted; **Parker** 18 seconded; **Passed 6, 0.**
- 19 05:35:00
- 20 #5 Public Hearing (5:35 PM) T&B Nielsen Rezone
- 21 **Zetterquist** reviewed the staff report for the T&B Nielsen Rezone.
- 22 05:40:00
- 23 Watterson arrived.
- 24 **Commissioners** and **Staff** discussed the septic system and the required frontage.
- 25 05:48:00
- 26 Christensen motioned to open the public hearing for the T&B Nielsen Rezone; Lee seconded; Passed 7, 27 0.

- 1 Wayne Caldwell spoke representing the applicant and commented on the source water protection zone,
- 2 septic system requirements, the road issues, and the private road, the need frontage, and the sensitive
- 3 areas.
- 4 Clay Bodily spoke representing Smithfield City and commented on Smithfield's prescriptive easement to
- 5 access the city's well and spoke against the rezone based on the source water protection zone and that
- 6 there is no current water source there and drilling a new well would negatively influence the spring.
- 7 **Shauna Twitchell** commented that the easement is actually a deeded right of way up to the Nielsen's.
- 8 Kim Cronquist Jr. commented on an ongoing lawsuit and how it may result in changes to the property
- 9 lines and how that could change access to the property.
- 10 **Sands** asked if moving the property lines would resolve some of the issues.
- 11 Mr. Cronquist stated the only thing he is aware of that could be affected is the septic system.
- 12 **Parker** asked about movement of the property lines.
- 13 Mr. Cronquist stated that there was a proposal from an ongoing lawsuit to adjust the property lines
- 14 between the Nielsen property and the Cronquist property that could affect access.
- 15 **Zetterquist** commented that the rezone is tied to the current legal description.
- 16 **Luthy** confirmed there is litigation currently that could decrease that 50-foot access.
- 17 **Mr. Caldwell** commented on a possibly boundary line adjustment, and water rights linked to the parcel.
- 18 **Luthy** asked if there were issues of prescriptive use or boundary by acquiescence that could narrow the
- 19 width of the access.
- 20 Mr. Caldwell stated he does not think so and the boundary adjustment would possibly add property by
- 21 about 10 feet.
- 22 Sam Gobbel commented on the current litigation regarding the property lines and the right of ways.
- 23 06:09:00
- 24 Watterson motioned to close the public hearing for the T&B Nielsen Rezone; Parker seconded; Passed 7,
- 25 **0**.
- 26 **Commissioners** made a motion recommending denial to the County Council based on the source water
- 27 protection area concerns, septic concerns, and width of the frontage.
- 28 Parker motioned to recommend denial to the Cache County Council for the T&B Nielsen Rezone; Olsen
- 29 seconded; Passed 7, 0.
- 30 06:13:00

1 #6 The Cache Valley Straw Maze Conditional Use Permit Revocation

- 2 Harrild reviewed the approval of the conditional use permit (CUP) and the appeal to the Board of
- 3 Adjustments. The original applicant submitted a request to withdraw their application and is no longer
- 4 buying the property; the current owner has no interest in pursuing the activities under the CUP. The best
- 5 thing to do at this point is to revoke the permit.
- 6 Christensen motioned to revoke the Cache Valley Straw Maze Conditional Use Permit based on the
- 7 applicants no longer buying the property and the current owner having no interest in pursuing the
- 8 conditional use permit; Sands seconded; Passed 7, 0.
- 9 06:17:00
- 10 #7 Discussion: Amendments to Title 17 regarding a new use type for alcohol production (i.e.,
- 11 **winery**)
- 12 **Commissioners** and **Staff** discussed tastings being included in the ordinance, determining what is
- 13 considered Agriculture and what is considered manufacturing, and reviewed the proposed ordinance
- 14 language. The County Council was more comfortable with alcohol production happening in the
- 15 unincorporated areas of the county as long as it is tied to agriculture.
- 16 **Keith Meikle** commented that he gave a gentleman's name to Chris to help write ordinances and how he
- 17 has to grow enough grapes to justify the purchase of equipment.
- 18 **Sands** asked if 5,000 cases is a reasonable number to be productive.
- 19 **Mr. Meikle** commented that 5,000 is usually a good number to break at and then do tiered system for 20 control.
- 21 07:01:00
- 22 Adjourned.



Development Services Department

Building | GIS | Planning & Zoning

Staff Report: Mendon South Subdivision 1st Amend.

2 September 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: Rob & Lori Jenkins Parcel ID#: 11-035-0007

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

Project Location

Reviewed by Angie Zetterquist

Project Address: 5330 Red Fox Lane

near Mendon

Current Zoning:

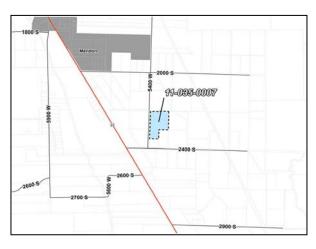
Agricultural (A10)

Surrounding Uses:

North – Agricultural/Residential

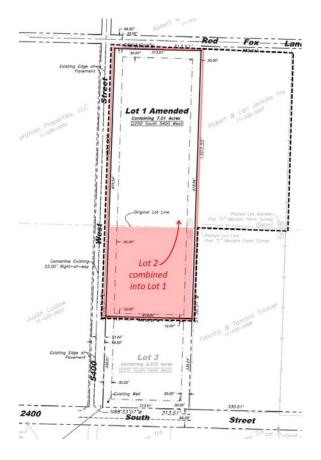
South – Agricultural East – Agricultural

West – Agricultural



Acres: 12.01





2 September 2021 Page 1 of 5

Findings of Fact

A. Request description

- 1. The Mendon South Subdivision 1st Amendment is a request to combine Lots 1 & 2 of an existing 3-lot subdivision and restore parcel 11-035-0007, not part of the subdivision, to its original configuration.
 - **a.** Lot 1 will increase from 4.63 acres to 7.01 acres;
 - **b.** Lot 2 will be removed from the subdivision;
 - c. There will be no changes to Lot 3; and
 - **d.** Parcel #11-035-0007 will be separated and restored to its original boundaries at \sim 4.9 acres.

B. Parcel legality

2. In 2014, the Planning Commission and County Council approved the 3-lot Mendon South Subdivision on a 10-acre parent parcel in the Agricultural (A10) Zone per the 1970 parcel rule. Under the Subdivision Code at the time, if a parcel in the A10 Zone was in the same size and configuration as it was in 1970, the property could be divided at a density of 1 lot per 2 acres for the first 3 lots and 1 lot per 10 acres for any remaining property area. Lots 1 & 2 have not been developed since the subdivision approval. In December 2015, the property owner of Lots 1 & 2 combined those properties with an adjacent parcel they also owned that was not a part of the subdivision (#11-035-0007). These changes to the subdivision were not part of an approved subdivision amendment; the properties are considered restricted and no permits can be issued until the restrictions are lifted. This proposed subdivision amendment will restore parcel #11-035-0007 to its original configuration and combine Lots 1 & 2 resulting in a 2-lot subdivision. The 1970 parcel rule is no longer part of the County Code, and consequently, this amendment will prohibit Lot 2 from being restored in the future under the current County Code requirements for the A10 Zone.

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

2 September 2021 Page 2 of 5

- **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.** §2.1 Roadway Functional Classification Major Collector (MC) Major Collector roads serve large towns and other traffic generators of equivalent inter-county importance, such as schools, shipping points, and county parks, which are not directly served by minor arterial roads.
 - **b.** Table B-6 Typical Cross Section Minimum Standards: Major Collector roads must meet the minimum standard of an 80-foot right-of-way, two 12-foot wide paved travel lanes with 8-foot wide shoulders (4 feet paved and 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).
 - **c.** Table B-8 Typical Cross Section Structural Values: The minimum structural composition for major collector roads requires 14" depth of granular borrow, 6" depth of road base, and 4" depth of asphalt.
 - **d.** Table 5.1 Cache County Access Management Standards Requires a minimum 200-foot spacing between residential/farm accesses along a Collector road.
 - e. 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.
 - f. §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.
 - **g.** 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).
 - **h.** 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 Mendon South Subdivision is from 5400 West and 2200 South (Red Fox Lane), both county roads.

b. 5400 West:

- i. Is an existing county facility that provides access to agricultural fields, a few subdivisions, and generally serves to provide through access from Mendon City to 600 South.
- ii. Is classified as a Major Collector Road.
- **iii.** As 5400 West is a Collector Road, it is recommended that the applicant show or note the future 80-foot road right-of-way on the amended subdivision plat and consider increasing the setbacks for any development to avoid future issues.
- iv. Consists of a 20-foot wide paved surface with 2-foot shoulders (1-foot gravel, 1-foot paved).
 - v. Is maintained year round.
- vi. Is considered substandard as to travel lane width, right-of-way, paved and gravel shoulders, clear zone, and material for a Major Local Road classification.
- vii. As no new lots are being created as part of this amendment, no road improvements are required.

c. 2200 South:

- i. Currently functions as a private road, but is a County road with a Local Road classification.
- ii. On the Mendon Farm Survey "Plat A", 2200 South was dedicated as a 0.25 chain field road and further dedicated as part of the original approval for the Mendon South Subdivision. *Condition #2*
- iii. Is considered substandard as to travel lane width, right-of-way, paved and gravel shoulders, clear zone, and material.

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, but had no comments on the proposed amendment. Residential carts will need to be placed on the road 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 preliminary FEMA Floodplain Risk Maps, a future floodplain will be located on Lot 1.

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

- 18. Public notice was posted online to the Utah Public Notice Website on 23 August 2021.
- 19. Notices were posted in three public places on 23 August 2021.
- **20.** Notices were mailed to all property owners within 300 feet of the subject property on 23 August 2021.
- 21. 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:

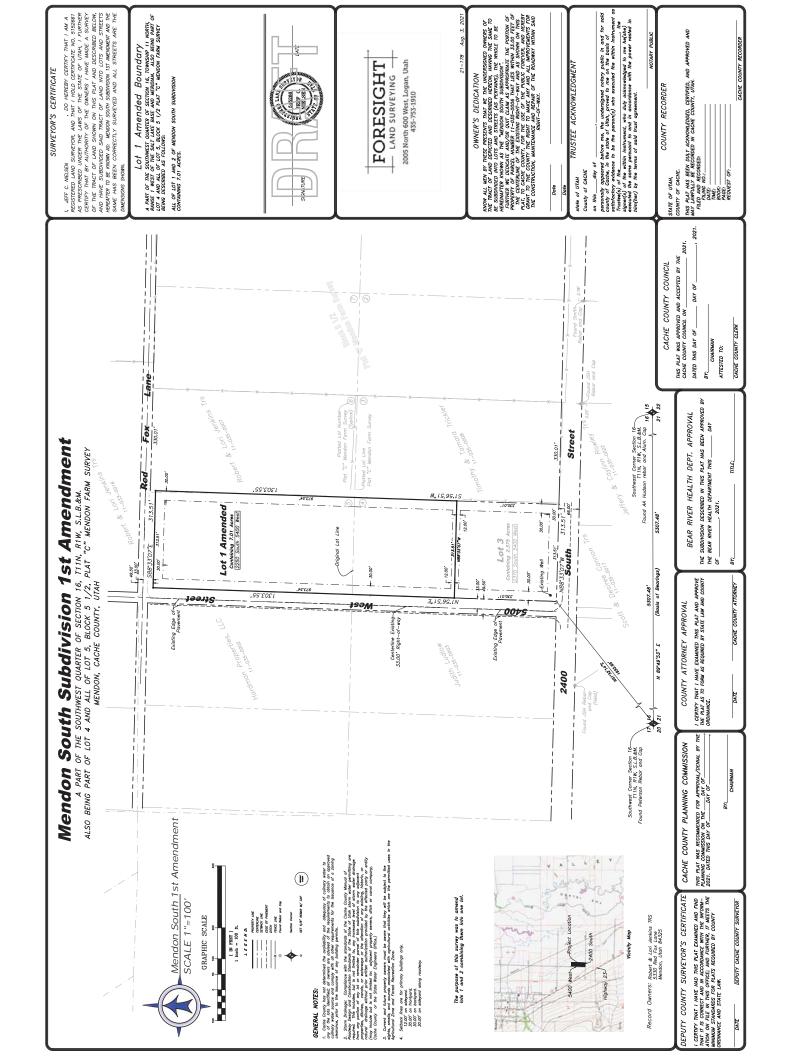
- A Land Disturbance Permit is required for land disturbance related to future development. (See D-6)
- 2. Prior to recording the plat, the amended subdivision plat must reflect that 2200 South is a County road and the dedications for both 2200 South and 5400 West from the previously approved plat. A separate instrument must also be recorded that reflects the road dedications. (See 14-c-ii)

Conclusions

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

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

2 September 2021 Page 5 of 5



Cache County

Development Services Department

Building | GIS | Planning & Zoning

DRAFT Language for 6160 Winery

2 September 2021

17.07.040 Use Related Definitions

6160 Winery: An agricultural processing facility used for the commercial purpose of processing grapes to produce wine. Processing includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, and administrative office functions. Additional information and requirements are found in Title 5.08 Alcoholic Beverages of the County Code and apply to this use type. The following requirements also apply:

- 1. Wine, as defined by the State of Utah and as reference by Title 5.08 of the County Code applies to this use. Wine includes alcoholic product obtained by the fermentation of natural sugar content of fruits, plants, honey, or milk, or other like substance.
- 2. A Winery must be accessory to a primary Agricultural Production use.
- 3. A Winery must:
 - Be located on land that qualifies as land under agricultural use that is actively devoted to agriculture as defined by the Farmland Assessment Act, UCA 59-2-5, and;
 - b. Be located on a legal parcel, or contiguous legal parcels, that are 5 acres or larger in size.
- 4. Wine produced by the processing facility must be produced from 51% or more of the agricultural products that have been grown within the legally defined boundaries of Cache County.
 - a. If there is an insufficient supply of agricultural products that are within Cache County due to crop failure or damage, a winery may use agricultural products grown within the State of Utah to produce wine. The local wine producer may also purchase bulk beverage fermented, brewed, or distilled by a State of Utah licensed alcohol manufacturer, and blend the beverage with the local producer's alcoholic beverage.
- 5. Retail sales, tours, and tasting facilities of wine and related, accessory, promotional items are also permitted as part of the winery operation.
 - a. Retail sales, tours, and tastings means tours of the winery, or tasting of beverages, or both, produced by the winery during operating hours. The wine producer may serve food in conjunction with tours and tastings, provided:
 - i. All advertising to the public is only for tours, or tastings, or both;
 - ii. The amount and type of food is intended to be secondary and complementary to, and part of, the tours and tastings; and
 - iii. The food arrives at the establishment ready for service, or in a state generally ready for consumption.
- 6. Production of wine is limited to no more than 5,000 cases per year.

- 7. Overnight accommodation is permitted as follows:
 - a. Guest rooms must be located within an owner occupied dwelling that meets the minimum Building and Fire Code standards;
 - b. No more than a total of four (4) guest rooms with a maximum occupancy of two per room, not counting children 15 years of age and under.

17.09.040 Schedule of Zoning Uses

Index	Description	Base Zo	ne						Overlay 2	Zone
6000	Resource	RU2	RU5	A10	FR40	RR	С	I	ME	PI
	Production									
	and									
	Extraction									
6160	Winery	N	N	С	С	N	N	N	-	-

C=Conditional Use Permit

N=Prohibited

17.07.040 Use Related Definitions

6140 Agritourism

...pumpkin pies), not including a Winery or Small-Scale Slaughter Facility; and...



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Staff Report: Bryan Hansen CUP

2 September 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: Bryan Hansen Parcel ID#: 09-026-0068

Staff Determination: Approve with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

Project Location

Reviewed by Angie Zetterquist

Project Address:

1015 East 12600 North

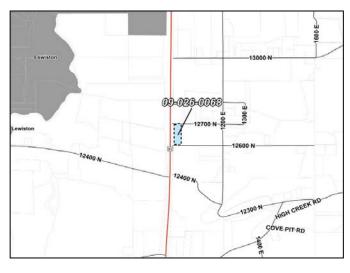
Cove

Current Zoning: Acres: 2.17

Commercial

Surrounding Uses:

North – Agricultural/Residential South – Agricultural/Residential East – Agricultural/Residential West – Agricultural/US Hwy 91





Findings of Fact

A. Request description

- 1. The Bryan Hansen Conditional Use Permit (CUP) is a request to operate a commercial kennel (Use Type 3300) on 2.17 acres located at 1015 East 12600 North, Cove, in the Commercial (C) Zone.
- 2. The project is described in the applicant's Letter of Intent and Site Plans (Attachment A). See Conditions #1 & #4
 - **a.** The proposed commercial kennel facility will be known as "Nature's Kennels and Boarding" and will provide the following services for canines (i.e., dogs): daycare, boarding, exercise, socialization, and training for a maximum of 30 dogs.

2 September 2021 Page 1 of 9

- **b.** Hours of operation as proposed in the Letter of Intent are 7:00 AM to 6:00 PM, Monday through Friday, 9:00 AM to 1:00 PM on Saturday, and closed on Sunday. Outside the hours of operation, the canines who are boarding at the facility will be crated or kenneled. Access to the kennel areas for dogs boarding at the facility is proposed to be from 6:00 AM to 8:00 PM Monday through Saturday.
- **c.** Canines will have free roam of the kennel facility during the hours of operation and will receive exercise and socialization with other canines.
- **d.** A 6-foot-high fence is proposed around the perimeter of the kennel, with 3 feet of buried fence on the inside to prevent digging. Construction of an additional interior and exterior fence could also be built with 2-4 inches of rock between fences to further prevent dogs from digging/escaping the kennel; a black mesh lining will be added to cover the west fence line to prevent traffic from being distracted by the dogs; and outdoor cameras will be placed on the north and south end of the kennel for owners to check on their dogs throughout the day and for employees to keep watch on all canines; an additional camera will be placed within the boarding shed.
- e. A shipping container covered by a shade structure is proposed as an interior kennel area for resting the canines and to provide boarding services. The container is proposed to be temperature controlled with heating and air conditioning with power provided through generators. See condition #7
- **f.** Other services provided at the facility include: daily leash training, recall training, antibarking/dig training, crate training, and environmental training based on needs.
- g. The letter of intent states that when a canine is registered with the facility, proof of current vaccinations for rabies, bordetella, and DHLPP (distemper, hepatitis, parainfluenza, parvovirus) is required. Additionally, the canines will go through a behavior evaluation conducted by a Certified Canine Handler/Trainer to evaluate temperament. Based on the behavior evaluation and size, a canine will be placed in a larger or smaller fenced kennel section. If necessary, a canine may also receive additional training before admittance to the kennel is approved.
- **h.** Employees will routinely pick up waste generated by the dogs throughout the day within the kennel. Per the Letter of Intent, canine waste will be collected and may be harrowed into the adjacent agricultural fields owned by Clair Allen, who has agreed to this arrangement. Staff also recommends that the waste should be discarded into a trash bin for pickup and disposal at the regional landfill. *See condition #2*.
- i. The equipment required for the operation of the facility includes a harrow to distribute waste in the adjacent field, and generators to provide climate control for the boarding kennel in the container. No deliveries to or from the business are anticipated other than the potential transport of canines to the facility are anticipated.
- **j.** The Letter of Intent states that the proposed kennel will operate within an existing circle driveway located at the north end of the subject property with customer access from 12600 North. Customer parking will be provided on the south end of the proposed kennel area with employee parking provided on the south east side of the existing building located at the corner of 12600 North and Highway 91. **See condition #3**

2 September 2021 Page 2 of 9

B. Conditional Uses See conclusion #1

- **3.** §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

- **4.** 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.
- **5.** §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*
- 6. \$17.07.030, Use Related Definitions. The proposed use is best defined under "Use Type 3300, Commercial Kennel/Animal Shelter". Per the definition in §17.07, Commercial Kennel/Animal Shelter is defined as any establishment where the boarding, grooming, breeding, raising, and/or otherwise keeping of 13 or more adult dogs or cats occurs or the requirements of a Home Based Kennel or Rural Kennel cannot be met. A Commercial Kennel/Animal Shelter must comply with the following requirements: 1) the kennel must include a structure and fenced area to confine the dogs to the subject property. Dogs are prohibited from crossing on adjacent properties unsupervised. The structure and fenced area must be of a sufficient size and height to accommodate and contain the particular breed(s) or dogs at the kennel. At the time of application, the applicant must provide detailed information and elevations for the structure and/or fenced area as part of their submittal. 2) All kennel facilities must be a minimum of 50 feet from the property boundary and a minimum of 20 feet from the caretaker residence, if present. 3) Noise levels from the kennel shall not exceed 10 decibels above the existing ambient noise levels at the property line at any time of day or night. A sound level impact and assessment report prepared and signed by a qualified professional must be provided prior to recordation to establish the existing ambient noise levels. See Conditions #4, #6, #11, & #14)
- 7. The County Council approved a rezone request from the Agricultural (A10) Zone to the Commercial (C) Zone on the subject property on April 27, 2021 per Ordinance 2021-12.
- **8.** §17.09.030, Schedule of Uses by Zoning District, permits this use as a CUP in the Commercial (C) and Industrial (I) Zones if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses as noted.
- **9.** Parcel status: The subject property is legal as it existed as of August 8, 2006 and has only changed configuration due to road improvements and dedications.
- 10. There are no approved and/or active Conditional Use Permits on the subject property. However, in the revised Letter of Intent, the applicant states that: "Currently at the proposed building location, Allen Gravel parks trucks, stores parts and supplies, and stock piles products between uses. Virtually no business transactions occur at the location." This description differs from information in the original Letter of Intent. The applicant continues that: "The current usage of the property will in no way be stopped or impacted by the building of Nature's Kennel

2 September 2021 Page 3 of 9

and Boarding. All current uses will be able to continue as is as Nature's Kennel and Boarding will be utilizing the unused area of the property." The existing use must be reviewed to determine if any approvals are required to operate on the subject site. If approval of a Conditional Use Permit for the existing use is required, the subject property is considered restricted and permits cannot be issued until the use has come into compliance or the operations cease. *See condition #5*

11. As the proposed kennel is located in the Commercial (C) Zone, the applicant must comply with Chapter 17.10 Development Standards of the Code including §17.10.030 Development Density and Standards Specific to Base Zoning Districts. The site plan submitted does not include all the information required as to screening, landscaping, etc. that is included in the required development standards for the Commercial Zoning District. *See condition #6*

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

- **12.** 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.
- 13. The primary activities as identified within the Bryan Hansen CUP Letter of Intent are proposed to only occur on the subject parcel and will not cause unreasonable risks to the safety of persons or property and it does not unreasonably interfere with the lawful use of surrounding properties so long as the conditions of approval are met.
 - **a.** Approval of a zoning clearance and building permits may be required to ensure compliance with the applicable codes. *See condition #7*

E. Adequate service provision See conclusion #1

- 14. 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.
- 15. Access: Access to the project will occur on multiple County roads.
- **16.** §12.02.010 Roadway Standards Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
- 17. The Road Manual specifies the following:
 - a. §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.
 - **b.** 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

2 September 2021 Page 4 of 9

- 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 of traffic is trucks or other heavy vehicles, additional design considerations will be required.
- **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.** 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 and 4 feet of gravel): 14-inches depth of granular borrow, a 6-inches depth of untreated base course, and 3 inches of bituminous surface course (asphalt)
- **e.** Table B-8 Typical Cross Section Structural Values: The minimum structural composition for major and minor local roads requires 14" depth of granular borrow, 6" depth of road base, and 3" depth of asphalt.
- **f.** Section 12.02.020(B): Where land abutting an existing substandard street or road is subdivided or developed, the developer shall dedicate any necessary additional rights of way and improve the adjacent roadway to conform to the county's standard.
- **18.** Table 5.1 Cache County Access Management Standards Commercial access is not permitted on minor local roads. *See condition #3*, 8
- 19. A basic review of the access to the subject property identifies the following:
 - a. The subject property has direct access to Highway 91 and 12600 & 12700 North.

20. Highway 91

- **a.** Is classified as a Minor Arterial.
- **b.** Is a State facility under the jurisdiction of UDOT.
- c. Has year round maintenance.
- **d.** Commercial access is not permitted on County roads classified as Minor Local Roads, if required improvements cannot be met to allow access off the County roads, access must come from Hwy 91. *See condition #8*

21. 12600 North:

- **a.** Is a County facility.
- **b.** Is a small section of road, less than a mile long that provides access to multiple agricultural fields, approximately 5 single-family dwellings, a metal fabrication shop, and two gravel pits.
- **c.** Is classified as a Minor Local road.
- **d.** The Road Manual does not allow commercial access to roads classified as Minor Local roads. Commercial access is allowed on a Local Major road. *See condition #3*
- **e.** Has an average paved width of 20 feet with a 1-foot wide paved shoulder and 5-foot gravel shoulders.
- **f.** Right-of-way varies along the length of the road.
- **g.** Has year round maintenance provided by the County.
- h. Is considered substandard for right-of-way and shoulder width. See condition #9, #10

22. 12700 North:

- **a.** Is a County facility.
- **b.** Is also a small section of road that provides access to multiple agricultural fields and single-family dwellings.
- c. Is classified as a Minor Local road.

- **d.** The Road Manual does not allow commercial access to roads classified as Minor Local roads. Commercial access is allowed on a Local Major road. *See condition #3*
- **e.** Has an average paved width of 20 feet with a 1-foot wide paved shoulder and 5-foot gravel shoulders.
- **f.** Right-of-way varies along the length of the road.
- **g.** Has year round maintenance provided by the County.
- h. Is considered substandard for right-of-way and shoulder width. See condition #9, #10

23. Parking:

a. §17.22 Off Street Parking Standards – Uses included under Use Index 3000, Sales and Services, require either 1 parking space per every 250 square feet or a Parking Analysis conducted, per §17.07.040 and §17.22.020 B, to determine the required number of parking spaces needed. Site plan must be revised to show required parking spaces. *See condition* #11

24. Refuse:

- **a.** As stated in the Letter of Intent, Employees will routinely pick up waste generated by the dogs throughout the day within the kennel. Per the Letter of Intent, at the end of each day waste will either be harrowed into the adjacent agricultural fields owned by Clair Allen, who has agreed to this arrangement. Waste could also be discarded into a trash bin for pick up and disposal at the regional landfill. Logan Environmental did not provide comments on this request. **See condition #2**.
- **25.** Fire: §16.04.080 [C] Fire Control The County Fire District requires the submittal and approval of a plan review from their department if any structures are proposed. *See condition* #12

F. Impacts and mitigation See conclusion #1

- **26.** 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."
- **27.** 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.
- **28.** Known or reasonably anticipated detrimental effects of the use are as follows:
 - a. Storm water/Site Development: Site development, construction activities, and continued use of the site during operation can reasonably be anticipated to have a detrimental effect on the surrounding properties due to storm water concerns. The applicant must provide a storm water report prepared by a licensed Engineer 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 80th percentile rainfall even or a predevelopment hydrologic condition, whichever is less. *See condition #13*
 - **b.** Waste disposal: The commercial kennel has the potential to produce a significant amount of animal waste product on a daily basis. In the Letter of Intent, the applicant is proposing to collect the animal waste daily and either harrow it into the grass on the existing property

or on an adjacent property. The distribution of untreated animal waste on a commercially zoned property has the potential to negatively impact the customers of the facility as it may draw numerous flies and other pests to the site. Waste disposal must be collected and taken to the adjacent parcel on a daily basis to be harrowed into the agricultural field. Alternatively, waste can be discarded into a trash bin for pick up and disposal at the regional landfill. Animal waste cannot be disposed of on the subject property. See condition #2

- c. Noise: Noise generated from multiple dogs at a commercial kennel has the potential to produce reasonable anticipated detrimental effects. The applicant has provided a sound study by Brock Ostermiller as part of his application submittal. Mr. Ostermiller owns and operates a decibel meter reader device that the applicant suggests is sufficient qualification to conduct the study. However, additional legal review is needed as the applicant includes an interpretation by his attorney specific to the County Code provision that a "qualified professional" complete the required sound study. See condition #14
- **d.** Parking: The application is proposing a shipping container to be utilized as an indoor kennel and boarding facility. Per the definition of a commercial kennel/animal shelter, the use must include a structure and a fenced area to confine dogs. In his revised Letter of Intent, the applicant states the structure for the commercial kennel will consist of a 40-foot by 8-foot (320 sq.ft.) storage container. Based on the size of the storage container, 2 parking spaces are required at 1 space for every 250 square feet. Alternatively, a Parking Analysis that conforms to the requirements of the code can be submitted for review and approval. **See condition #11**

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

- **29.** Public notice was posted online to the Utah Public Notice Website on 28 June 2021.
- **30.** Notice was published in the Herald Journal on 29 June 2021.
- **31.** Notices were posted in three public places on 28 June 2021.
- **32.** Notices were mailed to all property owners within 300 feet of the subject property on 28 June 2021.
- **33.** At this time, no written public comment regarding this proposal has been received by the Development Services Office.

Conditions

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

- 1. The applicant and operator(s) must abide by the information as provided in the application and the information and conditions as identified in this report. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. Revised site plans must include, but are not limited to, the site improvement plan, site grading, site drainage, and other site details including required setbacks from the property line after the road dedications have been made. (See A-2)
- 2. Prior to recordation of the permit, the applicant must provide written confirmation that any waste product removed from the kennels will be placed on the adjacent agricultural parcel (i.e., the "Clair Allen parcel") and harrowed into the field on a daily basis, or discarded into a trash bin for pickup and disposal at the regional landfill. Waste product cannot be disposed on the commercially zoned subject property. (See A-2-g, E-24-a, F-28-b)
- 3. Commercial access is not permitted on minor local roads (i.e., 12600 & 12700 North). Prior to recording the permit, the site plan must be revised to show where the approved access is

- located; either off of US Highway 91 with permission from UDOT or on 12600 and/or 12700 North with approval from the Public Works Department if improvements are approved and completed to meet the Major Local Road standard of the Road Manual. (See A-2-i, E-21-d, E-22-d)
- 4. Prior to recording the permit, all required documentation including revisions to the Letter of Intent and site plans must be reviewed and approved by the Director of Development Services to confirm the revisions meet the requirements of the County Code and the approval of the Land Use Authority. Required revisions include, but are not limited to, a revised site plan to show the minimum 50-foot setback is being met and the submission of a noise study that meets the Code requirements. Any revisions that deviate from this approval and/or the Code requirements, must be reviewed and approved by the Land Use Authority and additional conditions may apply to ensure compliance. (See A-2, C-6)
- 5. Prior to recording the permit, the existing use on the subject property as detailed in the Letter of Intent must be reviewed to determine the designated Use Type and if any approvals are required to operate on the subject site. If approval of a CUP is required for the existing use, the subject property is considered restricted and permits cannot be issued, including the recordation of this permit, until the existing use obtains the required approvals for the use type and comes into compliance with the County Code. Alternatively, all existing operations must cease and written confirmation from the property owner that any unapproved uses have stopped and will not resume until such time that the required permits have been obtained must be submitted prior to recording this permit. (See C-10)
- **6.** The proposed commercial kennel must comply with the Chapter 17.10 Development Standards of the Code including Section 17.10.030 Development Density and Standards Specific to Base Zoning Districts. Prior to recording the permit, a revised site plan and Letter of Intent must be submitted to reflect that these standards are being met. (See C-6, C-11)
- 7. The applicant must obtain any required zoning clearances and building permits for proposed structures prior to construction. (See A-2-j, D-13-a)
- **8.** Prior to recording the permit, the applicant must provide all permits, approvals, and certificates of completion from UDOT to the Development Services Department for required improvements to US Hwy 91 necessary to obtain access to the subject property and proposed facility from the highway. (See E-18. E-20-d)
- 9. Prior to recording the permit, the applicant must comply with Section 12-02-020(B) of the County Code and dedicate any necessary additional rights of way and improve the adjacent roadway to conform to the County's standards. Roadway plans prepared by a licensed professional must be submitted to the Public Works Department for review and approval. Any additional costs associated with the review of the roadway plans are the responsibility of the applicant. All required setbacks must be taken from the property line location after the required road dedication. (See E-21-h, E-22-h)
- 10. The applicant must obtain any required encroachment permits for work on county roads or within county rights-of-way prior to construction. (See E-21-h, E-22-h)
- 11. Prior to recording the permit, the revised site plan must identify the location of the required parking spaces for the review and approval of the Director of Development Services. Alternatively, the applicant can provide a Parking Analysis as defined in the County Code for review and approval by the Public Works Department to confirm the analysis' conclusion of the required number of parking spaces for the proposed use. (See C-6, E-23a, F-28-d)

2 September 2021 Page 8 of 9

- 12. Prior to issuance of a zoning clearance, the applicant must submit a plan review to the Fire District for review and approval. A copy of any permits and approvals required from the Fire District must be submitted to the Development Services Office. (See E-25)
- 13. Prior to recording the permit, the applicant must submit a stormwater report prepared by a licensed engineer 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 80th percentile rainfall event or a predevelopment hydrologic condition, whichever is less. The report must be submitted to the Public Works Department for review and approval from the County Engineer. Written confirmation from the Public Works Department confirming compliance with this requirement must be provided to the Development Services Department. comply with all regulations of the State and Federal governments for construction, reclamation, et cetera, and submit a copy of any required permitting to the Development Services Office. (See F-28-a)
- **14.** Prior to recording the permit, the applicant must provide a noise study that meets the requirements of the Code. Additional legal review is also needed as the applicant includes an interpretation by his attorney as to the County Code requirements as to who is a "qualified professional" to complete the noise study. (See C-6, F-28-c)

Conclusions

Based on the findings of fact and conditions noted herein, the Bryan Hansen 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 with the listed conditions of approval, 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-10*

2 September 2021 Page 9 of 9

Bryan Hansen 1015 East 12600 North Cove, UT 84320 boldk9solutions@gmail.com

August 6, 2021

Development Services Department Planning Commission 179 North Main, Suite 305 Logan, UT 84321

I, Bryan Hansen, am applying for a license to operate a commercial kennel under the name of Nature's Kennel and Boarding located at 1015 East 12600 North Cove, UT 84320. For which the contact number is 435-760-2065.

Nature's Kennel and Boarding has a 5 year goal of having a location closer to Logan, with an indoor and outdoor facility. The current business proposal is the beginning stages of the business and none of the proposed facilities will be permanent. Everything that Nature's Kennel and Boarding is proposing to build or add onto the property located in Cove, is meant to be mobile and easily moveable within a single day. The purpose of this is to save on funds and to get the business off the ground, in the event of capacity being reached, the facility can easily be moved to a permanent location where a larger capacity can be maintained.

Business Operations:

Nature's Kennel and Boarding, veteran owned and operated, will provide the following services for canines: daycare, boarding, exercise, socialization, and training. Nature's Kennel and Boarding will be owner operated until 75% capacity is reached at which point one additional employee may be hired if needed. Maximum capacity for the Kennel may be 30 dogs, depending on the final dimensions of the fenced kennel. If the proposed dimensions are approved 75% capacity would be 22 dogs.

Upon registration with Nature's Kennel and Boarding, canines may be screened through the following process: Canine owners will be required to show proof of current vaccinations for Rabies, Bordetella, and DHLPP (distemper, hepatitis, parainfluenza, parvovirus). Canines will go through a behavior evaluation conducted by a Certified Canine Handler/Trainer, in which temperament will be evaluated. Based on the results of the behavior evaluation, the canine's placement will be determined. Canines will be separated by size and behaviors. Canines may also receive additional environmental training, if needed, before admittance to the kennel is approved. Additional training may include socialization, environmentals, anti-bark/dig, etc.

Hours of Operation:

Nature's Kennel and Boarding is proposing to operate between the hours of 8am to 5pm, Monday through Friday and 9am to 1pm on Saturday, closed Sunday. Proposed pickup/drop off times are from 7am to 8am and 5pm to 6pm, Monday through Friday and 8am to 9am and 1pm to 2pm on Saturday. Hours may vary based on the amount of pickup/drop off...... clients per day.

Daycare Facility;

The facility is proposed to be a 100x100 feet fenced kennel, and 6' in height. The north end of the kennel is proposed to have rounded corners to allow for a circle driveway around the kennel that may fit double trailer trucks. (see *Current Property Use*) See attached Site Plan for specifics. At the base of the fence, it is proposed to have 3' of fence buried on the inside of the fence to prevent digging. The interior of the kennel is proposed to be filled with beach sand. Within the kennel, there may be some form of canopies or shade provided to keep the canines cool in the summer and to protect from precipitation in the winter and spring. The suggested canopies may be roughly 14x14 ft, standing 7' high.

Based on the proposed kennel facility, Nature's Kennel and Boarding will provide daycare services to canines that can be utilized by all customers, including boarding customers, between the hours of operation. Canines will have access to the kennel facility while at the kennel based on the results of the behavior evaluation. During operational hours canines may receive exercise and socialization with other canines. Canines may receive daily leash training, recall training, anti-bark/dig training, crate training, and environmental training based on needs. Canines may be rotated between the fenced kennel and the boarding facilities to prevent overexhaustion, dehydration, aggression, etc.

Pickup/Drop off:

Due to Nature's Kennel and Boarding being located on the far north end of the valley, a pickup/drop off location may be provided to customers who do not wish to make the commute out to Cove. If a pickup/drop off location is provided, Nature's Kennel and Boarding may obtain a trailer, such as a Deerskin Trailer, which can safely transport up to 20 canines. Each dog box will be appropriately cooled or heated and have open paneling for the canines to be able to see out of the dog box to prevent any further anxiety. The trailer will be parked at a central location, such as IFA in North Logan, during the pickup/drop off hours, where, for a small fee, an employee of Nature's Kennel and Boarding will assist clients with loading/unloading their canine during the pickup/drop off times.

Boarding:

Nature's Kennel and Boarding is proposing to use a 40x8 feet shipping container as the boarding facility for Canines who stay overnight. The shipping container may be placed within the fenced kennel for easy access to the kennel facility. The container will have AC and heating, which may be powered through the use of generators. Within the container there may be a range of dog crates varying in size, holding up to 30 crates, as well as 2-4 large dog kennels. Crates may vary in size. Kennels may be either 5x5, 10x5, or 10x10. Canines will be housed in

the crates and Kennels overnight, and may be used during the hours of operation for training purposes or to prevent canines from overexhaustion, dehydration, aggression, etc.

Canines who will be using the boarding facilities will have access to the kennel facilities between the hours of 6am to 8pm Monday through Saturday. Outside of these hours, boarding canines will be housed in the boarding facilities. They will be fed at the time(s) and with the food requested by owners. As for urination/defecation, boarded canines will use the kennel facilities which they will have access to between the hours listed above.

Within the boarding facility there may be an office space used for storing items that belong to boarded canines (leashes, food, toys, etc.), and conducting business transactions. The office may be 4x4 space consisting of a counter/desk, chair, computer, and any needed filing system. The only equipment required for the operation of Nature's Kennel and Boarding is a harrow which may be operated by employees. No deliveries to or from the business will be required.

Current Property Use:

Currently at the proposed building location, Allen Gravel parks trucks, stores parts and supplies, and stock piles products between uses. Virtually no business transactions occur at the location. The current usage of the property will in no way be stopped or considerably impacted by the building of Nature's Kennel and Boarding. All current uses will be able to continue as Nature's Kennel and Boarding will be utilizing the unused area(s) of the property.

Possible Safety Measures:

- 1. The kennel may utilize 2"- 4" rock beneath the buried fence to prevent canines from digging/escaping the kennel.
- 2. A black mesh lining may be utilized to cover the interiety of the west fence line to prevent passing traffic from distracted driving and/or to prevent canines from barking at traffic.
- Outdoor cameras may be placed on the north and south end of the kennel for canine owners to check on their canine throughout the day, and for employees to keep additional watch on all canines. Additional cameras may also be placed within the boarding facility.

Impacts and Mitigation:

Waste Disposal:

To dispose of waste generated by the canines, employees will routinely pick up waste throughout the day within the kennel. At the end of each working day, the waste may be harrowed into the neighboring agricultural field(s) owned by Clair Allen who has agreed to accept these conditions. The location of the disposal of the waste may routinely be rotated to prevent odor or the attraction of pests.

Parking:

The anticipated times where high volumes of traffic may occur would be during the designated pickup/dropoff times. The highest possible amount of traffic that could reasonably be assumed to be on the property due to the kennel may be up to 30 vehicles (if the kennel were at

maximum capacity and all the owners of the canines in the kennel for that day were to pickup/drop off at the same time). To mitigate any impacts this may have, the circle drive currently on the north end of the property (see site plan) may remain in place. Using this circle drive, customers may drive through and briefly park (5 minutes or less) at the Southwest corner of the kennel to pick up/drop off their canine. In the event of high traffic/parking, customers may idle within the circle drive, and move forward as canines are loaded, until they reach the Southwest corner where they will park, while their canine is brought out of the kennel, by an employee, to their car. (Similar to a pickup/drop off at an elementary school.)

If needed, 8-10 parking spots may be designated by signs along the south fence of the kennel (See Site Plan). Employees will park their vehicles on the Southeast side of the existing building on the property to prevent additional traffic.

Stormwater/Site Development:

To manage rainfall on-site and prevent the off-site discharge of the precipitation from all rainfall events less than or equal to the 80th percentile rainfall even or a predevelopment hydrologic condition, the kennel may be built on a lower portion of the property and the interior of the kennel may have beach sand. Beach sand being highly absorbent, will absorb a majority of the rainfall that runs down into the kennel. The shipping container, used for boarding, may be placed within the fenced kennel, so the runoff from the top of the container will also fall into the beach sand. The impact the kennel will have on the property concerning rainfall and/or runoff will be minimal.

Noise:

Upon being informed of needing to have a sound study completed, the Planning and Zoning staff referred me to Western Technologies Inc. to have the sound study completed. When I contacted Western Technologies and spoke with their staff, they estimated the cost for the study to be \$1311.00. I then searched locally, hoping to decrease the cost if travel was not involved as Western Technologies is located in SLC. I spoke with the staff at Bio West, located here in the valley, who estimated the cost for the study to be up to \$2000.00. Due to the large expense, I continued the search to find someone who could complete the sound study at a lower cost, but found no other options.

I proceeded by speaking with Joe Chambers (Attorney) to seek guidance on how I could meet the requirement set out by the county ordinance without it costing such an expense. Upon speaking with Joe Chambers, I was directed that within the ordinance it does NOT state what a qualified professional is and this can be left up to interpretation. I understood from the discussion that I could hire a third party with no investment in the business to conduct the study provided they have the equipment needed. Based on this I found Brock Ostermiller who has a Decibel Meter-Professional Sound Pressure Level SPL Reader and reports sound levels in dB(A) (decibel scale). I hired him to complete the study and to write a report. That report was submitted to the Planning and Zoning staff with my CUP.

Upon meeting with the Planning and Zoning staff I was informed that the sound study was incomplete due to "Leq" not being mentioned in the report and my not having provided any credentials for Brock Ostermiller. I was advised to have the study completed by someone the staff deemed a qualified professional such as Western Technologies Inc. or Bio West.

As I am an up and coming small business owner, it may be understood that the expense of up to \$2000 for a sound assessment to be completed is quite the expense, particularly when there is no guarantee that I will be granted the permit after having paid such an expense.

County Code 17.07.03 states:

33	COMMERCIAL KENNEL/ANIMAL SHELTER: Any establishment where the boarding, grooming, breeding, raising, and/or otherwise keeping of thirteen (13) or more adult dogs or cats occurs or the requirements of a home based kennel or rural kennel cannot be met. A commercial kennel/animal shelter must comply with the following requirements:			
	1	The kennel must include a structure and fenced area to confine the dogs to the subject property. Dogs are prohibited from crossing onto adjacent properties unsupervised. The structure and fenced area must be of a sufficient size and height to accommodate and contain the particular breed(s) of dogs at the kennel. At the time of application, the applicant must provide detailed information and elevations for the structure and/or fenced area as part of their submittal.		
	2	All kennel facilities must be a minimum of fifty feet (50') from the property boundary and a minimum of twenty feet (20') from a caretaker's residence, if present.		
	3	Noise levels from the kennel shall not exceed ten (10) decibels (dBA, Leq) above the existing ambient noise levels at the property line at any time of day or night. A sound level impact and assessment report prepared and signed by a qualified professional must be provided prior to recordation to establish the existing ambient noise levels.		

When discussed with the planning and zoning staff, it was explained that the purpose of the sound study is to gain a baseline decibel measure of the existing property noise level, so that the county can ensure that the commercial kennel does not increase the baseline measurement by more than 10 decibels (as the code states). The current existing ambient noise levels can reasonably be determined without the requirement of a *licensed* professional (as this is not a requirement within the code).

Within the report written by Brock Ostermiller it states that the average decibel measurement currently existing on the property is 57.9dB(A). Brock was able to measure this using a Decibel Meter-Professional Sound Pressure Level SPL Reader and reports sound levels in dB(A) (decibel scale). It does mention Leq within in the code, which is not included within the report. However, a Digital Sound Level Noise Tester Meter with Paraments Lp Leq LN Handheld Noise

Decibel Level Measuring Gauge with Resolution 0.1dB can be used to to gain measurements if in fact Leq is needed and the provided dB(A) measurements are not sufficient.

Furthermore, the average noise level for freeway traffic is 70 dB(A) (Center for Hearing and Communication), which is supported by the assessment completed by Brock Ostermiller as his report states that the *average* decibel levels for the west property line (which in next to the highway) is 65.7 dB(A). The difference in value could be assumed to be from this measurement being an average and the it being a highway in a rural area, not a freeway in a large city. This goes to show that the assessment completed by Brock Ostermiller is accurate and meets the requirements within the county ordinance.

As I understand that noise from a commercial kennel is a reasonable concern, I have provided some measurements below gained using a Decibel Meter-Professional Sound Pressure Level SPL Reader and reports sound levels in dB(A) (decibel scale). Using this equipment, I measured the dB(A) of a couple of common breeds of dogs in large and small groups, as well as individually. Each measurement was conducted from 10ft to 50 ft away. I also measured several common vehicles that passed on the highway next to the property from inside the fence line (roughly 50ft away). The results are shown below.

dB(A) of common breeds of dogs barking

Breed	Group Size	dB(A) at 10 ft	dB(A) at 40 ft	dB(A) at 50 ft
German Shepherd	1	83.1	75.5	74
Hound	1	66.6	52.3	51.6
Shepherds and Hounds	3	89.3	N/A	N/A
Shepherd puppies	3		66.6	67.4
Shepherds and Hounds	5	84	N/A	N/A
Average dB(A)		80.6	64.8	64.3

dB(A) of vehicles passing on the highway to the west of the property line

Vehicle Type	50 ft Away
Semi and 3500 dually truck	78.2
Double Trailer Milk Truck	74.7
Semi	75.3
Motorcycle and 2 compact cars	79.1
2 motorcycles	76.6
Water Truck	73.2
1 Semi and 1 double trailer semi	81.2
1500 Truck average	73.8

Single Vehicle average	68.2
Small group average (2 vehicles)	76.1
Large group average (6-10 vehicles)	78.9
Average dB(A) of passing vehicles	75.9

The National Center for Environmental Health explains in their article on Environmental Health that a sound at 20 decibels is 10 times more intense than a sound at 10 decibels, and a sound at 100 decibels is one billion times more powerful than a sound at 10 decibels. However a sound that seems loud in a quiet room may not even be noticed when that same sound is on a busy street even though the sound intensity is the same. "...to measure loudness, a sound must be increased by 10 dB to be perceived as twice as loud. For example, ten violins would sound only twice as loud as one violin" (Centers for Disease Control and Prevention).

Given this information and the decibel measurements provided above it can be concluded that it would take a great deal of barking from several dogs, barking simultaneously, while the normal goings on of the property are occurring, for the existing ambient noise levels to be increased by 10 decibels. While the likelihood of this is possible, the probability is low. Noise levels from a kennel are a common occurrence, however kennels are typically conducted in an indoor facility where noise levels are increased because of materials used that reflect sound. Garvey, Stella, and Croney explain this in their article "Auditory Stress: Implications for Kenneled Dog Welfare". They describe several ways that noise within a kennel can be reduced. However, this is only helpful when the dogs are within an enclosed structure. The proposal for Nature's Kennel and Boarding describes how an outdoor facility will be used during the hours of operation and a structure will only be used overnight for boarded dogs or for short time periods during the hours of operation for a limited number of dogs on an as needed basis. The concerns surrounding noise levels within a kennel are pertaining to an indoor kennel. As Nature's Kennel and Boarding is an outdoor kennel, these concerns are not as prominent.

The impact the proposed kennel will have on the existing noise level is minimal. The property currently has heavy machinery and double trailer trucks operating there multiple times per day, as well as a busy highway running directly to the west. Based on the information provided from The National Center for Environmental Health, it would require 10 times the amount of current noise existing on the property to increase the sound levels by 10 decibels. A commercial kennel with a maximum capacity of 30 dogs is not likely to produce that amount of noise. In the slight possibility that it were to produce that much noise, the sound level has the potential to be of the greatest level of impact in the morning and evenings during the pickup/drop off times. We are prepared to mitigate that impact by doing the following:

- 1. Screening all canines through a behavior evaluation before allowing them admittance into the kennel.
- 2. Providing anti-bark training before admittance or during admittance depending on the severity of the behavior.

- 3. Offering a pickup/drop off location in North Logan (this will reduce the amount of dogs and owners on the property at the time).
- Housing boarded canines within the boarding facilities outside of the hours of operation (being within the boarding facility will reduce the noise level produced by barking from outdoors).
- 5. Reserving the right to deny services if needed.
- 6. Canines within the kennel will be routinely exercised. The exercise provided at Nature's Kennel and Boarding will be more intense exercise due to the use of beach sand rather than grass. Exercising the canine on the beach sand will tire them more quickly and provide a more effective work out. Canines who receive targeted exercise are less likely to bark as they are not "bored" and "looking for something to do".

Such measures reasonably relate to mitigating the detrimental effects the noise levels of the kennel may have.

Land Use Authority and Conditions

Utah Code 10-9a-507. Conditional Uses states:

- (2) (a) (i) A land use authority shall approve a conditional use 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.
 - (ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects.
 - (b) If a land use authority proposes reasonable conditions on a proposed conditional use, the land use authority shall ensure that the conditions are stated on the record and reasonably relate to mitigating the anticipated detrimental effects of the proposed use.

It is the responsibility of the county as the land use authority to ensure reasonable conditions are imposed. It is understandable for the county code to have such requirements for a commercial kennel when specific conditions are in place such as the kennel being built within an urban environment where the potential detrimental effects may have a large impact on a large body of people. However, the conditions surrounding the building of a kennel vary greatly, from the location of the kennel, the purpose of the kennel, the types of breeds being cared for at the kennel, etc. The requirements set forth within the county code need to allow for flexibility where such events can be taken into account and reasonable conditions can be imposed based on the specific conditions surrounding the individual kennel.

For example, rather than the county code requiring a structure <u>and</u> a fence it would be reasonable to require a structure and/<u>or</u> a fence. The determination of whether both a structure and a fence are required could be based on the breed(s) of canines within the kennel, the purpose of the kennel, the capacity of canines the kennel could withhold and so on. Additionally, the requirement of the kennel facility being a minimum of 50 feet from the property boundary

and 20 feet from a caretaker's residence, leaves no opportunity for negotiation when circumstances could reasonably allow otherwise, as is the case with Nature's Kennel and Boarding.

The proposed location for the kennel has been outlined previously as being surrounded by agricultural fields, sitting adjacent to a highway, and having two minor county roads on either side of the property. Requiring the kennel fence to be 50 feet from the property line is not a reasonable condition as there is no considerable detrimental impact the kennel will impose by being closer than 50 feet. The nearest neighboring occupied property line is more than 50' from the property line of the proposed location and consists of a pasture used for farm animals on the side closest to the property. The conceived impact the kennel would have on this neighbor would be that of noise levels and odor. From this distance, and considering that the neighbor raises farm animals, neither conceived impact is of great significance.

The agricultural field which borders the property on the East side has the greatest potential for foreseeable impact if the field were to be subdivided and homes were to border the property. Having the kennel 50 feet from the East border would in fact move the kennel closer to this field, as well as to the current neighboring residence. Considering that the field to the East is owned by Clair Allen and is used by his son for the family business, Allen Seed and Grain, the likelihood of such an event occurring is not enough to impose the condition of the kennel fence being 50 feet from the property line.

Furthermore, as outlined previously, the current Conditional Use Permit is not the final goal for Nature's Kennel and Boarding. We do not want to permanently reside at this location as we would like to grow so we can expand and eventually have a location more central in the valley. If there were to come a time where the proposed property were to no longer be rural and the impacts of such a kennel would be much greater, it is unlikely that the kennel would still exist on the property.

It can be perceived that the conditions posed within the county code are based on the assumption that kennel's are loud, rank, and bothersome, and in an effort to reduce such effects these closed-minded conditions were written with no allowance for mediation. Every situation is unique and should be dealt with as a separate entity. While it is appropriate for the county to have requirements in place for obtaining a Conditional Use Permit for a commercial kennel, the requirements need to allow for deliberation and consideration of the conditions surrounding each individual kennel. This would allow for the County to work in conjunction and collaboration with business owners rather than appearing as a dictator of the law.

Proposal

In addition to the information provided above, I would like for the county to consider the following:

1. The fence of the kennel to be built 44.5 feet from the property line rather than 50 feet. This allowance of 5.5 feet provides for the current driveways existing on the property to

remain in place, so the current operations at the property will not be interrupted as double trailer trucks use the driveways to turn the trucks around. Allen Gravel is graciously allowing us to utilize the unused area of the property for the kennel that resides within the circle driveway. If we are required to be 50 feet from the property line, the existing driveways will have to be moved 10 feet to the east, which will greatly impact the operations currently occurring at the property while construction takes place.

- 2. Accept the provided sound study as a sufficient assessment of the current ambient noises on the property. If needed, allow for Leq measurements to be obtained by a qualified person, or third party, who has the correct equipment, such as a Digital Sound Level Noise Tester Meter with Paraments Lp Leq LN Handheld Noise Decibel Level Measuring Gauge with Resolution 0.1dB.
 - a. Or if the county is to require a licensed professional to complete the sound assessment (even though it is not required within the county code), do so as a condition of receiving the Conditional Use Permit rather than a requirement for the consideration of receiving the Conditional Use Permit.

Thank you for your consideration,

Bryan Hansen

127

References

International Noise Awareness Day (INAD). Common Noise Levels - How Loud is Too Loud? Center for Hearing and Communication..

https://noiseawareness.org/info-center/common-noise-levels/

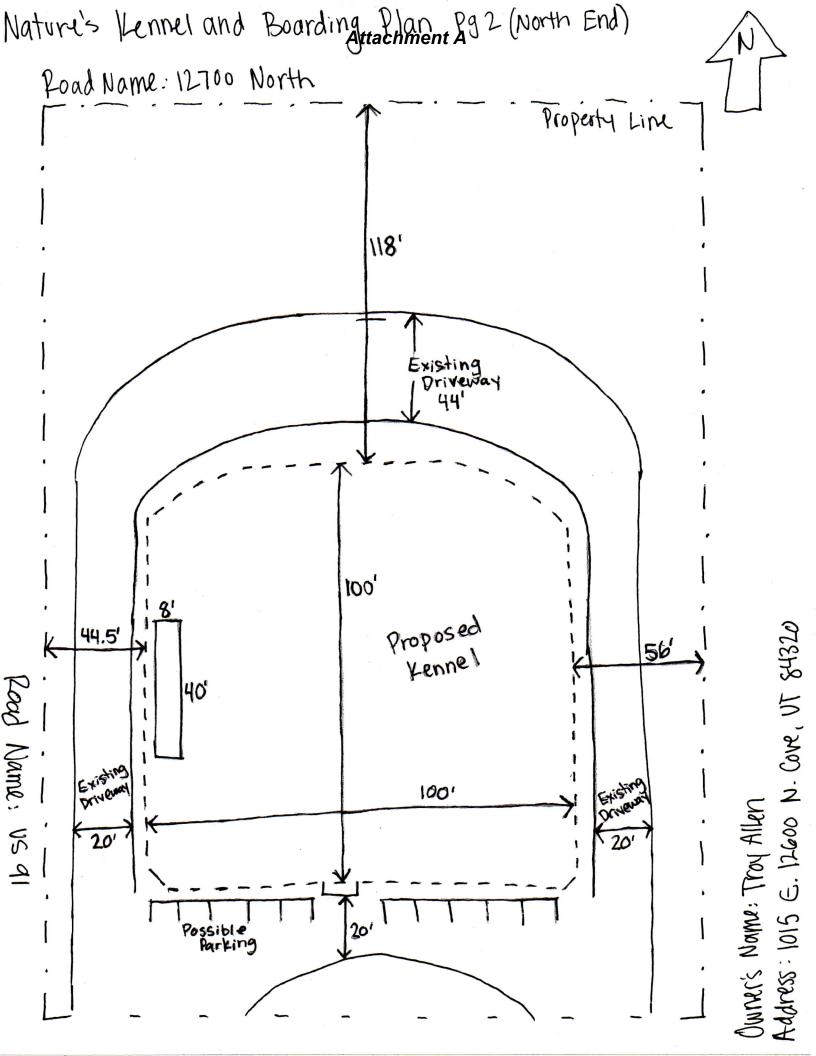
National Center for Environmental Health. (2019, October 17). What Noised Cause Hearing Loss? Centers for Disease Control and Prevention.

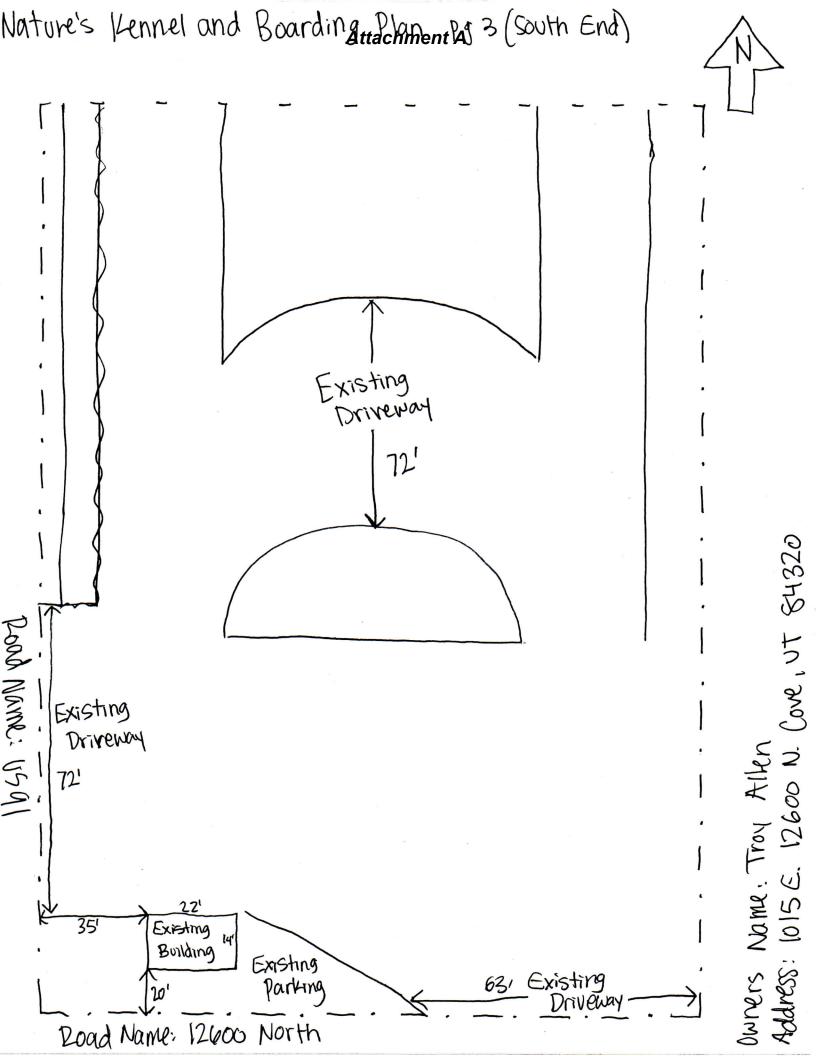
https://www.cdc.gov/nceh/hearing loss/what noises cause hearing loss.html

Garvey, M., Stella, J., and Croney, C. (2016, December). Auditory Stress: Implications for Kenneled Dog Welfare. Purdue Extension.

https://extension.purdue.edu/extmedia/VA/VA-18-W.pdf

Nature's Lenne and Boarding Plan pg 1 (overview) Road Name: 12700 North Property Line 1181 Existing Driveway Note: The proposed boarding shed Will be an 8'x40' shipping 445 56 100' Container. 100' 20' 20' Possible parking 120111 Existing Driveway Road Name: US 91 Existing Driveway 721 Existing Driveway Owner's Name: Troy Allen Existing 22'x14'
Building Address: 1015 E. 12600 N. Cove, UT 84320 Road Name: 12600 North





Sound Level Impact and Assessment Report-May 2021Ostermiller

Bryan Hansen is required to provide a noise monitoring assessment as necessary to comply with the requirement of the Cache County Ordinance 17.07.030 3300 for the purpose of submitting a Conditional Use Permit for a Commercial Kennel/Animal Shelter. A sound level impact and assessment report is to be provided prior to recordation to establish the existing ambient noise levels. For this purpose I, Brock Ostermiller, am completing this report.

The sound level assessment was completed using a Decibel Meter-Professional Sound Pressure Level SPL Reader and reports sound levels in dB(A) (decibel scale). Table 1 presents a summary of the range of lowest to highest measured noise levels at each monitoring location over the reporting period.

Table 1: Summary of the range of dB(A) at each monitoring location

North Property Line	West Property Line	South Property Line	East Property Line
50.1dB(A)-61.6dB(A)	57.5dB(A)-74.5dB(A)	53.5dB(A)-67.2dB(A)	44.7dB(A)-56.2dB(A)

As the property is located next to US91 and is currently utilized by Allen Gravel, the noise levels are considered to be largely dominated by the local road traffic, heavy machinery, and dump trucks. During the hours when Allen Gravel is in operation at the property and during heavy traffic hours, the associated noise levels can increase. Given the nature and location of works currently being undertaken on the property, the measured noise levels are largely dominated by such events.

Table 3 and the following graph show the measured noise level across the monitoring period, and presents the averaged noise level values at each monitoring location, as well as the overall averaged noise level value for the property.

Table 3: Summary of measured dB(A) data over the monitoring period.

Time Elapse	ed	North Line Db(A)	West Line Db(A)	South Line Db(A)	East Line Db(A)
	1	56.4	68	60.8	55.7
	2	54.1	59.7	56.5	55.7
	3	53.9	64.9	60.7	49.6
	4	50.1	60.9	64.8	48.6
A	5	56.6	68.6	67.2	49.2
	6	54.3	66.3	60.8	48.9
	7	56.8	59.7	62.6	50.4
	8	54.1	59.3	55.9	45.7
	9	61.6	57.5	62	45.7
	10	54.7	66	61.6	52.2
	11	53	70.7	56.1	44.7
	12	56.5	72.1	59,2	56.2
	13	55.5	69.3	60	53.5
	14	55.1	74.5	53.5	45.2
	15	- 56.2	67.8	64.7	52.1
Average 57	7.9	55.3	65.7	60.4	50.2

Table 2: Graphed summary of the range of dB(A) at each monitoring location

Average dB(A) Measurement Per Minute

North Line Db(A)

West Line Db(A)

South Line Db(A)

East Line Db(A)

Averaged Db(A)

80

40

8

10

12

14

Note: The noise monitoring commenced at 4:00 on the 11th of May.

BROCK OSTERMENTER

Brock Ostermiller



Building | GIS | Planning & Zoning

Staff Report: Cold Water Private Airport CUP

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: Janos Lakatos Parcel ID#: 11-043-0002, 0005

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

Project Location

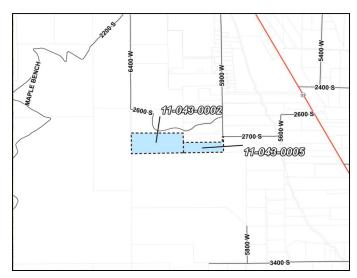
Project Address: Surrounding Zones:

2889 S 5900 W North – A10

Mendon, UT 84325 South – A10, FR40

Current Zoning: Acres: 32.07 East – A10

Agricultural (A10) West – A10, FR40



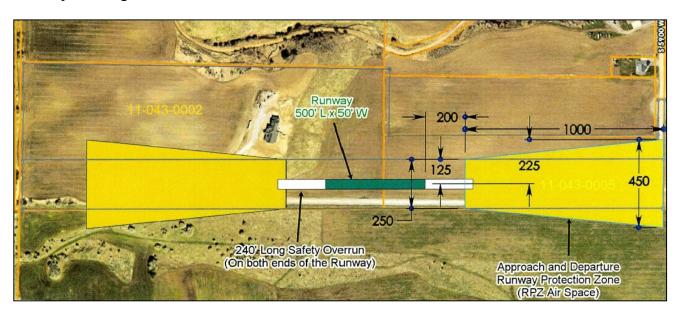


2 September 2021 Page 1 of 5

Findings of Fact

A. Request Summary

The Cold Water Private Airport Conditional Use Permit (CUP) application is a request to operate a Private Airport, use type 5810, on 32.07 acres of property located at approximately 2889 S 5900 W, south of Mendon and west of SR-23, in the Agricultural (A10) Zone. The proposed use will function as an accessory use to the primary single family dwelling use on parcel 11-043-0002, and accessory to the primary agricultural use on parcel 11-043-0005. The full application including the FAA Forms and Airport Design as noted below have been included as Attachment 1.



- 1. In addition to the requirements of the review for a CUP, 5810 Private Airport (Airport) requires the following items be submitted at the time of application:
 - **a.** FAA Forms A copy of any and/or all FAA reviews, forms, and analyses regarding the airport location, activity, and design including:
 - i. The current FAA Form 7480-1, and;
 - ii. FAA response to the Form 7480-1 submission.
 - **iii.** A copy of the Airport Master Record. A copy of the initial Record paperwork is acceptable at the time of application as the Record is not completed by the FAA until after a CUP is approved and recorded. A copy of the Record may be added to the file one the Record is complete.
 - **b.** Airport Design A copy of the design criteria as per the current FAA Airport Design Advisory Circular AC 150/5300-13A as applicable to the type of aircraft proposed to operate at the site.
- 2. Letter of Intent, FAA Forms, and Airport Design Attachment 1
 - **a.** The properties where the proposed Airport will be located is currently a dry farm and includes a single family dwelling occupied by the applicant.
 - **b.** The Airport has been designed to accommodate specific aircraft in "bush flying" configurations and with large "bush" tires for the purpose of accommodating a short take-off and landing distance on unimproved runways and hay fields.
 - **c.** The noted aircraft have mufflers that reduce engine noise.
 - **d.** The Airport will consist of a 500-foot long turf or grass runway, 50 feet wide and running east and west as identified in the above image.

2 September 2021 2 of 5

- **e.** 240-foot safety overruns and 1000-foot Runway Protection Zones (RPZ) are also present on each end of the runway.
- **f.** A Runway Safety Area extends 25 feet, and a Runway Object Free Area extends 125 feet from the centerline of the runway on both sides. No structures are permitted in either of these areas. These areas have not been identified in the above image. **See condition #1**
- **g.** FAA Form 7480-1 and the FAA response have been submitted by the proponent and indicate that the proponent has obtained the necessary review from the FAA to operate the airport. The Airport Master Record is required by the FAA once the airport is in place. A copy must also be submitted to this office once it has been submitted to the FAA.
- **h.** There will be approximately 40 landings at this site each month.
- i. The Airport will operate under Visual Flight Rules (VFR) only.
- **j.** Roads are identified as obstructions, and as applies in this instance, private roads are considered to have a 10-foot vertical obstruction or the height of the highest mobile object that normally traverses the road.
- **k.** The FAA response to Form 7480-1 is that the Airport, "...will not adversely affect the safe and efficient use of airspace by the aircraft...," and that the FAA has, "...no objection to this proposal." This determination does not apply to specific land uses, only to navigable airspace.
- **l.** The Airport Master Record details only include one single-engine aircraft, and does not appear to address the multi-engine AirCam. *See condition #2*
- **m.** The specific aircraft are:
 - i. Super Legend Cub manufactured by American Legend.
 - ii. AirCam multi-engine.
- n. A copy of the design criteria as per the current FAA Airport Design Advisory Circular AC 150/5300-13A as applicable to the type of aircraft proposed to operate at the site has not been submitted. See condition #3

B. Conditional Uses See conclusion #1

- **3.** §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

- **4.** 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.
- **5.** §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*
- **6.** §17.07.030, Use Related Definitions. The proposed use is defined under use type 5810 Private Airport, as any area for the takeoff or landing of aircraft and that is not open to the public, including uses that may be appurtenant and accessory to said activity (e.g., runways, hangars, facilities for refueling and repair). The requirements associated with this use are listed in Section A.

2 September 2021 3 of 5

- 7. §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.
- **8.** Parcel legality: Parcels 11-043-0002 and 11-043-0005 are legal parcels. The configuration of 11-043-0005 has been amended since 2006 to include a portion of the property to the east where the private access currently exists.
- **9.** Parcel 11-043-0002 includes a single family dwelling that was built in 2019. There are no approved or active Conditional Use Permits on either of the parcels proposed for the Airport.
- **10.** The setback requirements identified in Chapter 17.10 Development Standards of the Land Use Code apply only to structures and do not apply to this specific proposed Airport.

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

- 11. The County Land Use Ordinance stipulates that:
 - **a.** Proposed CUP uses must not be detrimental to the public health, safety and welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A conditional use shall be considered detrimental if:
 - i. It causes unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar risks, and/or;
 - ii. It unreasonably interferes with the lawful use of surrounding property.
- 12. The primary activities as identified within the Cold Water Letter of Intent are proposed to only occur on the subject parcels and will not cause unreasonable risks to the safety of persons or property, and it does not unreasonably interfere with the lawful use of surrounding properties so long as the conditions of approval are met.

E. Adequate service provision See conclusion #1

- 13. The County Land Use Ordinance stipulates that:
 - **a.** The proposed conditional use must not result in a situation that creates a need for essential services that cannot be reasonably met by local service providers, including but not limited to: Roads and year round access for emergency vehicles and residents, fire protection, law enforcement protection, schools and school busing, potable water, septic/sewer, storm water drainage, and garbage removal.
- **14.** Access: Existing vehicle access to the subject property is from 5900 West. Aircraft access is from the east and west approaches of the property to the runway. No additional roadway improvements are required for the existing dwelling or Airport.
- 15. Parking:
 - **a.** §17.22 Off Street Parking Standards The Airport is accessory to an existing single family dwelling and agriculture uses that provide sufficient parking for this use. No additional parking is needed for the Airport.
- **16.** Fire: §16.04.080 [C] Fire Control The County Fire District has reviewed the proposed Airport and has identified no impacts or conditions.

F. Impacts and mitigation See conclusion #1

- 17. 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."
- **18.** 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.

2 September 2021 4 of 5

- **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.
- 19. Known or reasonably anticipated detrimental effects of the use are as follows:
 - **a.** Noise: This has been mitigated with the spacing from adjacent properties and residential uses, and with the installation of mufflers on the aircraft.
 - **b.** Risk to structures or persons on the ground: This has been mitigated with the Runway Protection Zone, Object Free Area, and additional FAA requirements for the safe operation of aircraft. Federal regulation 14 CFR 91.119, Minimum Safe Altitudes: General, requires that, except as needed for takeoff and landing, an aircraft cannot be operated within 500 feet of any person, vessel, vehicle, or structure in a sparsely populated area.
- **20.** Sensitive areas: There is a mapped FEMA floodplain on this property. While the runway will pass through this floodplain, no structures or earth movement are being proposed within this use.

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

- 21. Public notice was posted online to the Utah Public Notice Website on August 23, 2021.
- 22. Notices were posted in three public places on August 23, 2021.
- **23.** Notices were mailed to all property owners within 300 feet of the subject property on August 23, 2021.
- 24. At this time staff has not received written public comment regarding this proposal.

Conditions

These conditions are based on the Cache County Land Use Ordinance and on the findings of fact as noted herein and must be completed before the Conditional Use Permit is recorded:

- 1. The site plan must be updated to include the Runway Safety Area and Runway Object Free Area. The updated site plan must be submitted to the Development Services Department for verification. See A-2-f
- **2.** The Airport Master Record must be updated include both aircraft types, or as required by the FAA is it is not required to include both aircraft types. An updated Record or support letter, or both must be submitted to the Development Services Department for verification. *See A-2-l*
- **3.** A copy of the design criteria as per the current FAA Airport Design Advisory Circular AC 150/5300-13A as applicable to the type of aircraft proposed to operate at the site must be submitted to the Development Services Department for verification that the runway length is adequate for the aircraft. **See A-2-n**

Conclusions

Based on the findings of fact and conditions noted herein, the Cold Water Private Airport 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 with the listed conditions of approval, 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-5*

2 September 2021 5 of 5



Building | GIS | Planning & Zoning

Application. Conditional Osci Cim	Ap	plication:	Conditional	Use	Permi
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Date Received:	By:	Receipt #:	Amount:	Check#:
837	K	15784	600	2126

- 1. Applications are accepted by appointment only. Call (435) 755-1640 to set an appointment.
- 2. The items indicated in the attached checklist must accompany this application.
- 3. Incomplete applications are not accepted.
- 4. Late applications are held for the next meeting's agenda.
- 5. The application fee is not refundable.
- **6.** Your greenbelt taxation status and value of your property may change by proceeding with this application. Please contact the County Assessor's Office for more information.
- 7. Any information submitted with this application becomes public record and is posted online.

Project Information							
parcel review has been completed for each property. A plat map, legal description, and taxation certification has been provided for each property.							
Use Index No. and Type 5810 PRIVATE AIRPORT							
Conditional Use Permit Name: Cold Water Private Airport							
Parcel/Tax ID number(s): 11-043-0002 and 11-043-0005							
- Approximate Address: 2889 S 5900 W, Mendon, UT 84325							
Zone(s):A10Total Acreage: 32.07							
Agent Contact Information							
Agent Name: Same as Owner Email:							
Phone: Mailing Address:							
Property Owner Contact Information							
Owner Name: _Janos Lakatos Email: _jlakatos@sae-inc.net							
Phone: (435) 757-9797 Mailing Address: 2889 S 5900 W, Mendon, UT 84325							
☑ If there are multiple owners, provide an additional page that includes this information.							

Conditional Use Permit - Application Checklist and Acknowledgment

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

- 3)—If the owner of record is not the acting agent an agent letter must be included. Also, if the owner of record is an LLC, Corporation, or similar, paperwork identifying the owner(s) must
- be included.

 4) A current letter report from a title company for all parcels, dated no more than 30 days prior to the submittal of the application.
- A Letter of Intent (see attached) or Master Plan. A Master Plan is required for projects that require multiple phases and/or longer than 3 years for construction.

 (Submit a digital pdf copy to: chris.harrild@cachecounty.org)
- 6) If culinary water is needed, verification of an approved, domestic water right in the owner's name for each lot. (Obtained from the State Water Engineer, State approved culinary water system, or a City/Town)
- 7)—If applicable, a septic tank feasibility letter or copy of septic tank permits for all lots as deemed necessary by the Bear River Health Department.
- 8) If the property is contiguous to a municipality, located within an unincorporated island or peninsula, or receiving or proposed to receive services from municipality, provide a letter from the municipality(ies) in regards to annexation of property and also provide documentation of the results of any pre-application conference with municipality officials.

If the cost projection for a commercial or industrial use is greater than \$750,000.00, this qualifies as "Urban Development" as defined by the State - see UCA §10-2-401-1-k and §10-2-402-5. The affected municipality must consent to the proposed use, or if it objects, the county must respond in writing to the municipalities objection(s).

Resort Recreation (RR) Zone development.

Acknowledgment

I, Janos Lakatos

the undersigned agent and/or owner of the property acknowledge that I have read and understand the information and requirements presented in this application, and that the information I have provided is an accurate and complete description of my proposed use.

07/27/2021

3 of 4

Date

Property Owners Contact Information

Parcel/Tax ID numbers: 11-043-0002 and 11-043-0005

Janos Lakatos and Zsuzsanna Eberling, husband and wife

Janos Lakatos

(435) 757-9797

jlaaktos@sae-inc.net

2889 S 5900 W, Mendon, UT 84325

Zsuzsanna Eberling

(435) 757-1269

zeberling@sae-inc.net

2889 S 5900 W, Mendon, UT 84325

Letter of Intent - Coldwater Private Airport

July 27, 2021

Cache County

Development Services Department

179 N Main, Suite 305

Logan, UT 84321

To Whom it May Concern,

I am requesting a Conditional Use Permit to establish a Private Airport on our land Parcel/Tax ID 11-043-0002 and 11-043-0005. The land is currently used for dry farming. The primary use aircrafts would be a Super Cub and an Air Cam in "Bush Flying" configurations with excellent Short Takeoff and Landing (STOL) capabilities (sample pictures attached below). These aircrafts equipped with large "Bush" tires are frequently used for takeoffs and landings on unimproved runways and hay fields. It is approved and a common practice to operate these aircraft parallel with the paved runway on the grass including on airports like Logan Cache Airport. The surface of our runway is proposed to be Turf, so there will be no environmental impact, in fact growing grass hey on the runway surface is the preferred way to stabilize the soil. Airport operations would be continuous in accordance with Federal Aviation Regulations. No waste or garbage will be generated. Although not required in the US, nor available for most aircraft, our primary use aircrafts have mufflers installed to reduce engine noise as a courtesy to our environment.

Thank you for your consideration,

Sincerely,

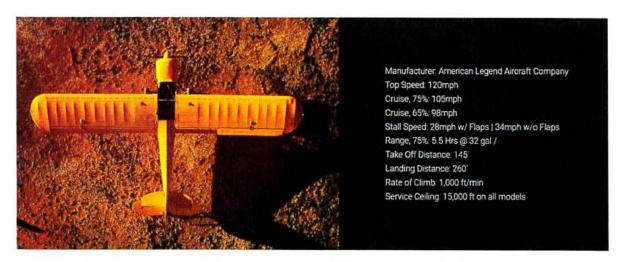
Janoš Lakatos

2889 S 5900 W

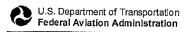
Mendon, UT 84325



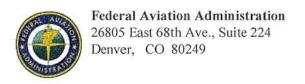




Reference: https://legend.aero/american-legend-al18-super-legend-cub/



	NOTICE FOR CONST	RUCTION, ALTERA	TION AND	DEACTIVA	TION OF AIR	PORTS	3	
A. Airport Owner	Check if this is also		B. Airport I	Manager (Com	plete if different th	an the Air	rport Owner)
1. Name and Addre	ss	irport's Physical Address	B. Airport Manager (Complete if different than the Airport Owner) 1. Name and Address ☐ Check if this is the Airport's Physical Address					
Janos Lakatos 2889 South 59 Mendon, UT 84	00 West							
2. Phone 435-757-9797	3. Email jlakatos@sae-in	c.net	2. Phone 3. Email					
C. Purpose of Noti	fication (Answer all questions th	nat apply)	D. Name, Location, Use and Type of Landing Area					
Construct or Establish an:	☑ Airport ☐ Ultralight Flig ☐ Heliport ☐ Seaplane Bas	htpark Balloonport se Dother	1. Name of Cold Wa	Landing Area ater			2. Loc ID	(for existing)
2. Construct, Alter or Realign a:	✓ Runway ☐ Helipad(s)☐ Taxiway (Public Use Airports of the control of the cont	Other Only)	3. Associate Mendon	ed City and Sta , UT	te		4. Distan	ce from City (nm)
3. Change Status From/To:	☐ VFR to IFR ☐ Private Use to Public Use	5. County (F Cache	Physical Location	on)			on from City	
	DIRECTION:		7.	Latitude	8. Lo	ongitude		9. Elevation
4. Change Traffic	ALTITUDE (Choose type. List		41°	40 54.080)" 111° 5	8 50.	.5300 "	4872
Pattern		rop: std. nonstd. Other. Describe in box C6.	10. Current Use:		Public P			
5. Deactivate:	☐ Airport ☐ RWY	□TWY	11. Ownersh	ip: 🛛 Privat	e ☐ Public ☐ M	lilitary (Bra	anch)	
6. Description: Private Grass Airstrip			12. Airport Type:	port Airport Ultralight Flightpark Balloonport			onport v Enforcement	
	ata (List any Proposed, New or I							
	Base or Ultralight Flightpark (us	e second page if needed)	2. Heliport,	Balloonport or	other Landing Are	a (use seco	ond page if nee	eded)
RWYID	07 / 25	1		Helipad ID				
Lat. & Long.	Show on attachment(s)	Show on attachment(s)		Lat. & Long.	Show on attachn	nent(s)	Show on a	ttachment(s)
Surface Type	Grass			Surface Type				
Length (feet)	500		TLOF	Dimensions				
Width (feet)	50		FATO	Dimensions			***************************************	
Lighting (if any)	None		L	ighting (if any)				
Right Traffic (Y/N)	N / N	ı	Ingress/Egress (Degrees)					
Elevation (AMSL)		Show on attachment(s)	Elevation (AMSL) Show on attachme		ent(s) Show on attachment(s)			
VFR or IFR	VFR / VFR		Elevated Height (AGL)			······································		
F. Operational Dat	a (Indicate if the number provide	d is Actual or Estimated)					···	***************************************
	1. Number	of Based Aircraft	2. Average Number of Mont			ly Landings		
	Present or Estimated	Estimated in 5	/ears			Estimated in 5 Years		5 Years
Single Engine	1	1	20		20			
Multi Engine	1	1	20		20			
Jet .								
Helicopter								
Glider								
Military				· · · · · · · · · · · · · · · · · · ·				
Ultralight								
3. What is the Most Super Cub, Air	Demanding Aircraft that operate Cam	s or will operate at the Air	port? (Provide	approach spe	ed, rotor diameter	, etc. if ki	nown)	
	res for the Airport Anticipated?	Yes No. If Yes,	-	years				
G. CERTIFICATION	: I hereby certify that all of the a	above statements made b	y me are true	and complete	to the best of my k	nowledge	e.	
1. Name, title of per	son filing this notice (type or print)	2. Signature (in ink):		1.len				
Janos Lakatos,	, Owner	3. Date 03/22/20 2 (4. Phone (435) 7	57-9797	5. Email jlakatos@sa	e-inc ne	ı+	
<u></u>		1	(100) /	-, 0,01	jianawswsa	-1110.HE	• •	



July 22, 2021

TO:

Janos Lakatos Attn: Cold Water 2889 S 5900 West Mendon, UT 84325 jakatos@sae-in.net

NOTICE OF AIRPORT AIRSPACE ANALYSIS DETERMINATION ESTABLISH PRIVATE USE AIRPORT **NO OBJECTION/NO OBJECTION WITH CONDITIONS**

The Federal Aviation Administration(FAA) has conducted an aeronautical study under the provisions of Title 14 of the Code of Federal Regulations, Part 157, concerning:

RE: (See attached Table 1 for referenced case(s))

Table 1 - Letter Referenced Case(s)

ASN	Prior ASN	Airport Name	Description	Location	Latitude (NAD83)	Longitude (NAD83)	Airport Elevation (feet)
2021- ANM-2438- NRA		Cold Water	LAP ASN # 2021- WSA-97-LAP New Grass Airstrip	Mendon, UT	41-40-54.08N	111-58-50.53W	4872

Description: LAP ASN # 2021-WSA-97-LAP New Grass Airstrip

We have completed an airspace analysis of the proposed private use airport. As studied, the location is approximately 1 nautical miles SW of Mendon, UT.

We do not object to the construction described in this proposal provided you agree to the following:

It is recommended that your airport be constructed to the standards identified in FAA Advisory Circular (AC) 150/5300-13, Airport Design (current version). Also, a clear approach slope, as identified in (AC) 150/5300-13 Table 3-2 Approach/Departure Standards, should be established at each runway end. If there are other obstructions that penetrate the approach surface, they should be removed or lowered. If the penetrating obstructions cannot be removed or lowered, we recommend that the thresholds be displaced and appropriately marked, so as to provide a clear approach slope surface to each runway end. Please note that roads are defined as obstructions by 14 CFR Part 77. Private roads are the greater of a 10 foot vertical obstruction or the highest mobile object that normally traverses the road. Public roads are considered a 15 foot obstruction, interstate highways are a 17 foot obstruction, railroads are 23 foot obstructions and waterways are the highest mobile object that traverses the waterway.

Be advised, in accordance with 14 CFR Part 157, any construction, alteration to or abandonment of the subject airport requires notice to the FAA for aeronautical review. Notice for these actions can be given using FAA

Form 7480-1, "Notice for Construction, Alteration and Deactivation of Airports". Please refer to Form 7480-1 for triggering events that will require notice.

Our aeronautical study has determined that the establishment of the private use airport will not adversely affect the safe and efficient use of airspace by aircraft. We have no objection to this proposal.

This determination does not constitute FAA approval or disapproval of the physical development involved in the proposal. It is a determination with respect to the safe and efficient use of navigable airspace by aircraft and with respect to the safety of persons and property on the ground. In making the determination, the FAA has considered matters such as the effects the proposal would have on existing or planned traffic patterns of neighboring airports, the effects it would have on the existing airspace structure and projected programs of the FAA, the effects it would have on the safety of persons and property on the ground, and the effects that existing or proposed manmade objects (on file with the FAA) and known natural objects within the affected area would have on the airport proposal.

The FAA cannot prevent the construction of structures near an airport. The airport environment can only be protected through such means as local zoning ordinances, acquisitions of property in fee title or aviation easements, letters of agreements, or other means. This determination in no way preempts or waives any ordinances, laws, or regulations of any government body or agency.

Fifteen (15) days prior to completion, please complete, sign, date, and return the enclosed Airport Master Record 5010-5 Form. This action will ensure your airport is activated and assigned/secured a private use location identifier. Please indicate on the Airport Master Record Form if you desire to have your airport charted. Please be advised that charting of private use airports is not guaranteed. Additionally, if charted, there is no guarantee your airport will remain on FAA published charts. Charting of private use airports relies heavily on landmark value and chart clutter. The inclusion on a chart may take several charting cycles and does not coincide with the issuance of a location identifier. Instructions for completion of the 5010-5 Form can be found online at https://www.faa.gov in Advisory Circular (AC) 150/5200-35, "Submitting the Airport Master Record in Order to Activate a New Airport".

Please complete, sign and date the enclosed Airport Master Record Form and return it to my attention. Cold Water is activated and assigned/secured a private use location identifier. Please indicate on the Airport Master Record Form if you desire to have your airport charted. Please be advised that charting of private use airports is not guaranteed. Additionally, if charted, there is no guarantee your airport will remain on FAA published charts. Charting of private use airports relies heavily on landmark value and chart clutter. The inclusion on a chart may take several charting cycles and does not coincide with the issuance of a location identifier. Instructions for completion of the 5010-5 Form can be found online at https://www.faa.gov in Advisory Circular (AC) 150/5200-35, "Submitting the Airport Master Record in Order to Activate a New Airport".

In order to avoid placing any unfair restrictions on users of the navigable airspace, this determination is valid until 01/22/2023. Should the airport not be established and the Airport Master Record 5010-5 Form not returned by 07/22/2022, an extension of our determination should be requested in writing by 12/01/2022. Should you not elect to establish the airport, please notify the FAA in writing by 07/22/2022.

If you have any questions concerning this determination, please contact me at <u>delilah.colin@faa.gov</u> or at (303) 342-1254.

Sincerely,

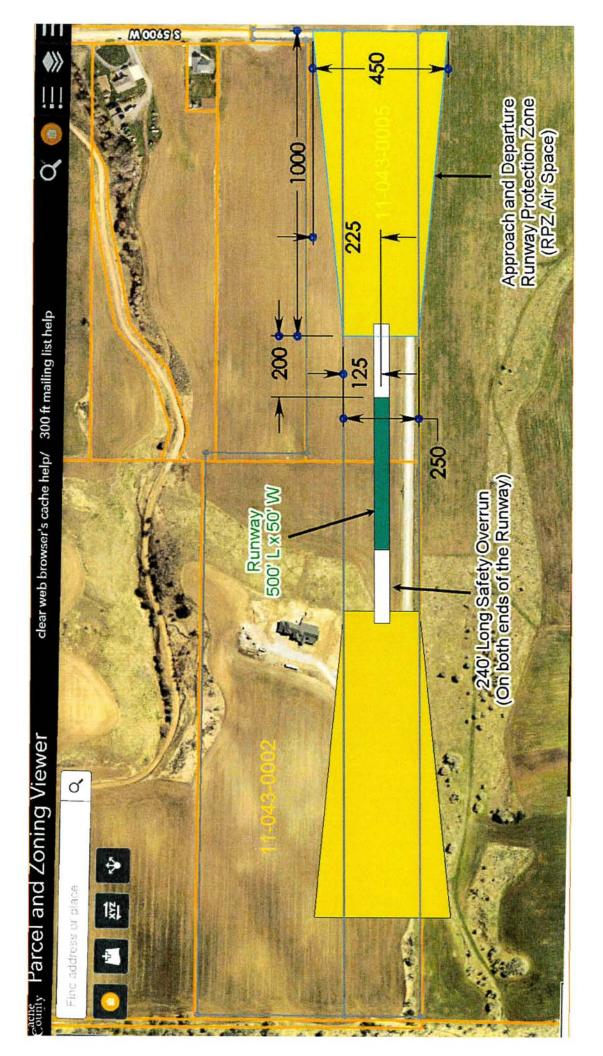
Delilah Colin

ADO

Signature Control No: 486002049-488971857

Attachment: Airport Master Record 5010 Form

U.S. DEPARTMENT OF TRA		AÏ	RPORT MASTE	R RECORD	PRINT DATE: 07/22/20 AFD EFF Form Approved OMB 2120-0015	21 ,
> 1 ASSOC CITY: Mendon			4 STATE: UT	LOC ID:	FAA SITE NR:	
> 2 AIRPORT NAME: Cold Wate 3 CBD TO AIRPORT (NM): 1 S			5 COUNTY: Cache 6 REGION/ADO: ANM/ 7 SECT AERO CHT: S		Cache O CHT: SALT LAKE CITY	
10.000 EDGING	GENERAL		40 277.227	SERVICES	BASED AIRCRAFT	
10 OWNERSHIP: 11 OWNER:	PR Janos Lakatos		70 FUEL:		90 SINGLE ENG: 91 MULTI ENG:	1 0
12 ADDRESS:	2889 S 5900 West				92 JET:	0
	Mendon UT 84325					
13 PHONE NR:	(435) 757-9797				TOTAL:	1
14 MANAGER: 15 ADDRESS:	Janos Lakatos 2889 S 5900 West				93 HELICOPTERS: 94 GLIDERS:	0
13 ADDIGSS.	Mendon UT 84325				95 MILITARY:	0
16 PHONE NR:	(435) 757-9797				96 ULTRA-LIGHT:	ő
17 ATTENDANCE SCHEDULE:	:					
MONTHS DAYS HOURS				TEA CITY TEXTED		
			> 80 ARPT BCN:	FACILITIES		
			> 81 ARPT LGT Sk	ED:		
18 AIRPORT USE:	Private		> 82 UNICOM:	0.0		
19 ARPT LAT:	41-40-54.0800N		83 WIND INDICAT			
20 ARPT LONG: 21 ARPT ELEV:	111-58-50,5300W 4872.0		84 SEGMENTED C 85 CONTROL TWI			
22 ACREAGE:	0		86 FSS:	C. NO		
> 23 RIGHT TRAFFIC:	-		87 FSS ON ARPT:	NO		
24 NON-COMM LANDING:			88 FSS PHONE NR			
	1		89 TOLL FREE NR	:		
RUNWAY DATA						
> 30 RUNWAY IDENT:	!	09/27				
> 31 LENGTH:	i	500				
> 32 WIDTH:	l	50				
> 33 SURF TYPE-COND:	1	TURF				
	İ					
LIGHTING/APCH AIDS	ļ					
> 40 EDGE INTENSITY:						
> 42 RWY MARK TYPE-COND:	i	/				
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OBSTRUCTION DATA		,				
50 FAR 77 CATEGORY: 51 DISPLACED THR:		0/0				
52 CTLG OBSTN:		/				
53 OBSTN MARKED/LGTD:	İ	,				
54 HGT ABOVE RWY END:	İ	/				
55 DIST FROM RWY END:		/				
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(>) ARPT MGR PLEASE ADVI	SE FSS IN ITEM 86	WHEN CHANG	ES OCCUR TO ITEMS PE	ECEDED BY >		
111 OWNER/MANAGER SIGN.	ATURE	113 DATE;				





Building | GIS | Planning | CPDO | Trails

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GIS PARCEL SUMMARY

Not Authoritative — For Preliminary Review Only

Parcel Number: 11-043-0005

Property Address: (Not Available)

Tax Roll Acreage: 12.01

Owner Name: JANOS LAKATOS

Owner Address: 185 E 600 N

MENDON, UT 84325-9760

Jurisdiction: Cache County

Future

Annexation Area: Mendon

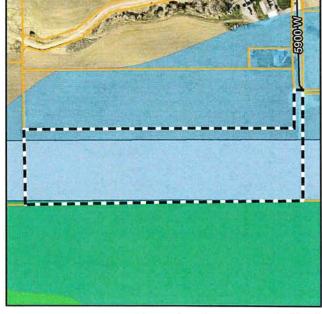
Base Zone: A10

Overlay Zone: None

Initial Parcel Potentially a restricted parcel

Legality Review: Does not appear to match its August 8, 2006 configuration

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.



Comprehensive maps can be found at www.cachecounty.org/gis

Areas That May Require Further Analysis

County Road Function Class Encroachment Permit FEMA Floodplain Ag. Protection Areas Ag. Protection Area Buffers

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.



Building | GIS | Planning | CPDO | Trails

GIS PARCEL SUMMARY

Not Authoritative — For Preliminary Review Only

Parcel Number:

11-043-0002

Property Address: 2889 S 5900 W

MENDON

Tax Roll Acreage: 30.06

Owner Name:

JANOS LAKATOS

Owner Address:

185 E 600 N

MENDON, UT 84325-9760

Jurisdiction:

Cache County

Future

Annexation Area: Mendon

Base Zone:

A10

Overlay Zone:

None

Initial Parcel

Potentially a **legal** parcel

Legality Review:

Appears to have the same configuration as on August 8, 2006

Generated on 03 Aug. 2021 at 01:55 PM

Comprehensive maps can be found at www.cachecounty.org/gis

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

County Road Function Class **Encroachment Permit**

FEMA Floodplain

County Floodplain Buffer

Moderate Slopes Steep Slopes Landslides

Wildland-Urban Interface

Wildfire Hazard Areas Ag. Protection Areas

Ag. Protection Area Buffers

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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Building | GIS | Planning & Zoning

Staff Report: Rocky Mountain Reindeer Farm CUP

2 September 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: Dallin & Alora Lloyd Parcel ID#: 10-041-0013

Acres: 8.85

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

Location

Reviewed by Angie Zetterquist

Project Address:

3750 West 6100 South

near Wellsville

Current Zoning:

Agricultural (A10) Zone

6000 S 5600 S 5600 S 6000 S

Surrounding Uses:

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



Findings of Fact

A. Request description

- 1. The Rocky Mountain Reindeer Farm Conditional Use Permit (CUP) is a request to operate an agritourism business (Use Type 6140) on 8.85 acres located in the Agricultural (A10) Zone.
- 2. Per the Letter of Intent (Attachment A), the applicant is proposing to operate a reindeer breeding farm that will be open to the public for tours and special holiday events (i.e., Christmas tree sales). See condition #1
 - a. Construction
 - i. The subject property will have a number of structures onsite including a single-family residence located toward the east of the property. (See site plan as part of Attachment A).
 - ii. The main animal barn will be 53 feet by 72 feet (3,816 square-feet).

- iii. An 8-foot high wire mesh fencing will surround the reindeer pens, as required by the Division of Wildlife Resources. Lean-tos (24 feet x 12 feet) will be located within the animal pens for shelter and will be mobile to allow for rotational grazing.
- **iv.** A second 8-foot high fence will be constructed around the back half of the property for biosecurity, which is also required by the Division of Wildlife Resources.
- v. Shorter fencing will be used for other farm animals, as needed.
- vi. A 32-foot by 16-foot (512 square feet) building, will be constructed for the agritourism use for guests to check-in for tours, agricultural orientation, and will house a gift shop. A small concession stand is also planned near the gift shop (~144 square feet) that will have water and septic connections and sell items such as donuts, cookies, and popcorn. See condition #2 & #3
- vii. Additional building for the agricultural use include: two feed storage barns and a machine shed, each at 40 feet x 60 feet, will be constructed along the north property line.
- viii. The applicant anticipates that construction for the agritourism facility will be phased as follows: Phase I animal pens, gift shop, and 8-foot biosecurity fence along the northwest quadrant; Phase II concession stand; and, Phase III bowery in display area to keep guest sheltered from weather. The construction of the agricultural-related structures will be completed as finances allow.
- ix. The applicant anticipates peak parking demand will be approximately 50 vehicles per hour during November and December. An area approximately 35,000 square feet in size is proposed to accommodate that parking. Employee parking would be located separate from guest parking, near the feed barns and machine shops. The site plan shows the proposed parking areas. *See condition #4*
- **x.** Proposed signage includes a monument style sign with a sculpted reindeer on top of boulders and flanked by evergreen landscaping. The proposed sign will be located on the south side of the guest parking area. *See condition #5*

b. Operation

- i. The applicant has approval from the Division of Wildlife Resources for a breeding farm with a maximum of 35 mature reindeer, based on the size of the property. The applicant will start their herd with 5 animals in 2021 and add an additional 5 in 2022.
- **ii.** The agritourism operations will include farm tours by appointment, a retail gift shop, and Christmas tree sales.
- **iii.** Farm guests will use an online scheduling system to reserve their tour time. Guests will check in for their tour at the gift shop.
- iv. Prior to taking the tour, the guests will have time to view the other farm animals on site, including cows, horses, donkeys, and chickens). The tour will then include a 10-minute presentation on reindeer and their husbandry and how to safely interact with them. Guests will then be escorted into the display area with the reindeer and given the chance to feed them a handful of grain and take photos. Tours last approximately 30 minutes.
- v. The owners of the property will be the employees in residence. Other employees will be hired as needed, but housing will not be furnished. The applicant anticipates they need 2-3 employees during the year and as many as 20 employees during the winter holidays with up to a maximum of 10 employees working at any one time.

2 September 2021 2 of 9

- vi. Hours of operation will vary according to season and demand. Generally, the applicant expects the facility will operate January through October by appointment and then 10am to 8pm, Monday through Saturday, during November and December (i.e., holiday season).
- **vii.** Daily operation of the reindeer farm will include use of loaders, tractors, and a utility vehicle to carry feed, bed animals, and general animal husbandry.

B. Conditional Uses

- **3.** §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

- **4.** 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. *See conclusion #1*
 - **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. *See conclusion #1*
- **5.** §17.02.060, Establishment of Land Use Authority, authorizes the Planning Commission to act as a Land Use Authority for a CUP. *See conclusion #1*
- **6.** The subject property is a legal lot as it has been in the same size and configuration since August 2008.
- 7. §17.07.030, Use Related Definitions defines this use as "6140 Agritourism."
- **8.** §17.07.040, Definitions, defines this use as:
 - **a.** "6140 Agritourism: a use or activity for the on-site recreation, retail purchase, education, or participation of the general public. Any such use/activity may include, but is not limited to a: farm tour; farm stay; educational class; corn maze; group event or competition; U-pick operation; farmers market; farm museum; cider mill; petting farm/zoo; retail sales facility (e.g. meat shop; dairy or creamery; nursery; gift shop; flower, herb, or spice store; bakery; restaurant; or café); small-scale food processing (e.g., process pumpkins grown on premise into pumpkin pies), and other similar uses/activities as determined by the Land Use Authority. Any such use or activity must meet the minimum requirements as follows:
 - i. Any such use/activity must be accessory to a primary Agricultural Production use. The primary and accessory uses must:
 - a. Be located on land that qualifies as land under agricultural use that is actively devoted to agriculture as defined by the Farmland Assessment Act, UCA 59-2-5, and;
 - b. Be located on a legal parcel, five (5) acres or larger in size; or on contiguous legal parcels that are a total of five (5) acres or larger in size.
 - c. Consist of 51% or more products produces on site.
 - ii. The use/activity occurs for more than twenty-one (21) consecutive or non-consecutive days per year, and provides agriculturally related, and in some instances, non-agriculturally related products and events to the general public.

2 September 2021 3 of 9

- iii. Must obtain Land Use Authority review and approval prior to operation.
- iv. Overnight accommodation is permitted as follows:
 - a. Guest rooms must be located within an owner occupied dwelling or seasonal cabin that meets the minimum Building and Fire Code standards:
 - b. No more than a total of four (4) guest rooms with a maximum occupancy of two per rooms; not counting children 15 years of age and under."
- **9.** §17.09.030, Schedule of Uses by Zoning District, permits this use as a CUP in the Agricultural (A10) Zone only if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses as noted.
- 10. §17.10.040 Site Development Standards The required setback from the front and rear property lines in the Agricultural (A10) Zone is 30 feet; side yard setbacks are 12 feet. The storage of material or placement of structures or parking within the setback areas is not permitted.

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

- 11. The County Land Use Ordinance stipulates that:
 - **a.** Proposed CUP's must not be detrimental to the public health, safety and welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A conditional use shall be considered detrimental if:
 - i. It causes unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar risks, and/or;
 - ii. It unreasonably interferes with the lawful use of surrounding property.
- 12. All activities as identified within the Rocky Mountain Reindeer Farm CUP Letter of Intent are proposed to occur on the subject property. Guests will access the parking area and the property via a 6100 South, which will be required to meet the minimum County standards in the Road Manual. With the required conditions of approval, the operation that the applicant is proposing will not cause unreasonable risks to the safety of persons or property and it will not unreasonably interfere with the lawful use of surrounding properties.

E. Adequate service provision See conclusion #1

- 13. The County Land Use Ordinance stipulates that:
 - **a.** The proposed conditional use must not result in a situation that creates a need for essential services that cannot be reasonably met by local service providers, including but not limited to: Roads and year round access for emergency vehicles and residents, fire protection, law enforcement protection, schools and school busing, potable water, septic/sewer, storm water drainage, and garbage removal.
- **14.** The subject property has frontage along 6100 South, a county road.
- **15.** §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
- **16.** The Road Manual specifies the following:
 - **a.** §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

2 September 2021 4 of 9

- 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.
- **b.** 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 of traffic is trucks or other heavy vehicles, additional design considerations will be required.
- **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.** 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 and 4 feet of gravel): 14-inches depth of granular borrow, a 6-inches depth of untreated base course, and 3 inches of bituminous surface course (asphalt)
- **e.** Table B-8 Typical Cross Section Structural Values: The minimum structural composition for major and minor local roads requires 14" depth of granular borrow, 6" depth of road base, and 3" depth of asphalt.
- **f.** Section 12.02.020(B): Where land abutting an existing substandard street or road is subdivided or developed, the developer shall dedicate any necessary additional rights of way and improve the adjacent roadway to conform to the county's standard.

17. A basic analysis of 6100 South is as follows:

- **a.** 6100 South:
 - i. Is classified as a Minor Local Road.
 - ii. Provides some through access from US Hwy 89/91 to 3200 West, but mainly provides local access to residences and agricultural properties.
 - iii. Consists of an average 20-foot wide paved width.
 - iv. Is considered substandard as to right-way dedication, paved and gravel shoulders, and clear zone. See condition #6 & #7
 - v. The location of existing private or public utilities has not been determined. However, any existing or proposed private utilities located within the County right-of-way must be removed and relocated outside the right-of-way. The location of any existing public utilities will be allowed to remain the right-of-way, but any roadside hazards within the clear zone must be mitigated. *See condition #8*

18. Parking and Access:

- a. §17.22 Off Street Parking Standards All uses included under Use Index 6000, Resource Production and Extraction, require a Parking Analysis be conducted to determine the required number of parking spaces needed to demonstrate that sufficient accommodation has been made for the volume of traffic expected to be generated by the size and type of the proposed use. The Parking Analysis must conform to §17.07.040 General Definitions and §17.22 Off Street Parking Standards. See condition #4
- **b.** A detailed site plan must be submitted to confirm the location of the required parking and access meets minimum standard requirements and does not conflict with other uses on the

2 September 2021 5 of 9

- property. The parking lot improvement plan and access plans must be prepared by a licensed professional and will be reviewed and approved by the County. The applicant is responsible for additional costs associated with the review of these plans. *See condition #9*
- 19. Refuse: Logan City Environmental Department, Solid Waste Collection, reviewed the proposed use and will provide services to the subject property. Refuse containers will need to be placed in front of the lot on 6100 South for collection. Sufficient shoulder space along the road for all refuse and recycling containers must be provided to allows the containers to be place 3-to-4 feet apart and far enough off the road so as to not interfere with passing traffic. Logan City Environmental did not comment specifically on the proposed agritourism use. The applicant must work with the Logan City Environmental Department on any future waste collection issues associated with the agritourism use. See condition #10
 - The applicant has indicated in the LOI that animal waste will be collected and composted onsite and later sold as fertilizer.
- 20. Fire: §16.04.080 [C] Fire Control The County Fire District visited the site and reviewed the Letter of Intent. The Fire District stated the proposed parking area requires an all-weather surface to allow for emergency vehicle access. The Fire District will also require a plan review on all permanent structures associated with the agritourism use, except those structures used for solely agricultural purposes. See condition #11
- 21. Water: The applicant provided confirmation of water rights (#25-11569/a81618) including a domestic water right, 10 units of stock water, and 0.25 acres of irrigation water rights. The applicant must provide confirmation from the Utah Division of Water Rights that the existing water rights are sufficient for the proposed agritourism use. If additional water rights are required, the applicant must provide proof of the approved water rights prior to recordation. See condition #12
- 22. Septic: Applicant provided an approved permit for the installation of a septic system. The applicant must provide confirmation from the Bear River Health Department that the proposed use under this CUP can be accommodated by the approved septic system permit and does not require any upgrades. See condition #13
- 23. Stormwater: A stormwater report prepared by a licensed Engineer 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 80th percentile rainfall event or a predevelopment hydrologic condition, whichever is less. The stormwater report must be submitted to the Public Works Department for review and approval. Written confirmation from the Public Works Department that the report has been approved must be submitted to the Development Services Department prior to recording the permit. See condition #14
- **24.** §15.32.030 Land Disturbance Permits A Land Disturbance Permit may be required as specified by County and State Code. *See condition #15*

F. Impacts and mitigation See conclusion #1

- **25.** Utah Code Annotated §17-27a-506, Conditional uses, item 2-a specifies that "A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards."
- **26.** The County Land Use Ordinance stipulates that:
 - **a.** Reasonably anticipated detrimental effects of the proposed conditional use must be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards.

2 September 2021 6 of 9

- **b.** Examples of potential negative impacts include but are not limited to odor, vibration, light, dust, smoke, noise, impacts on sensitive areas as defined by the Code, and/or disruption of agricultural practices.
- 27. Known or reasonably anticipated detrimental effects of the use are as follows:
 - a. Traffic: An agritourism facility has the potential to generate additional traffic and may negatively impact the surrounding residential uses and add increased trips to the existing roads. The subject property is accessed by 6100 South, a County road. This road is currently substandard in a number of areas including dedication right-of-way, shoulders, and clear zone. The applicant must improve the 6100 South along the frontage of the subject property to meet the standards of a Minor Local Road, per the Road Manual. Additionally, the applicant must provide documentation of the required 33-foot right-of-way dedication along the frontage of the property. Finally, the access to the subject property must be revised in accordance with the requirements of the Road Manual. The access for the agritourism use can be a maximum of 36 feet wide, must be paved within the County right-of-way, offset a minimum 10-feet from the property line, and have a minimum spacing of 150 feet to another access. See condition #6, #7, #9, #16
 - **b.** Parking: Uses classified under Use Code 6000, Resource Production and Extraction Uses, require a Parking Analysis to determine the required number of parking spaces needed to demonstrate that sufficient accommodation has been made for the volume of traffic expected to be generated by the size and type of the proposed use. To mitigate any reasonably anticipated detrimental effects of the proposed use, a Parking Analysis must be submitted that conforms to §17.07.040 General Definitions and §17.22 Off Street Parking Standards to the County Engineer. *See condition #4*
 - c. Lighting: The proposed hours of operation will extend into the evening hours during November and December and possibly other times throughout the year, requiring exterior lighting to provide guidance for guests navigating the parking area to the location of the agritourism activities. As the surrounding area is primarily residential and agricultural, the impacts caused by parking lot lighting and exterior lights may be detrimental to surrounding uses. The applicant must provide a detailed lighting design plan to identify how lighting impacts will be mitigated. See condition #17

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

- **28.** Public notice was posted online to the Utah Public Notice Website on 23 August 2021.
- **29.** Notices were posted in three public places on 23 August 2021.
- **30.** Notices were mailed to all property owners within 300 feet of the subject property on 23 August 2021.
- **31.** At this time, no written public comment regarding this proposal has been received by the Development Services Office.

Conditions

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

- 1. 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-2)
- 2. Prior to construction, the applicant must work with the Building Department to ensure the proposed agritourism structures use meet Building Code requirements for the type of use and

2 September 2021 7 of 9

- occupancy. The applicant must also obtain approval from the Fire Department that the structures adhere to the requirements of the fire code. The applicant must provide written confirmation from both departments to the Department of Development Services. All proposed structures require approval of a Zoning Clearance. (A-2-a-iv)
- **3.** Prior to construction of the concession stand, the applicant must confirm with the Utah Water Rights Division and the Bear River Health Department that the existing water rights and septic system are adequate to accommodate the concession stand or if additional water rights or expansion of the septic system are required. (*A-2-a-iv*)
- **4.** Prior to recordation, a Parking Analysis as defined by the Cache County Land Use Ordinance must be submitted to the Development Services Department for review and approval. Evidence of professional licensure must also be provided by the person preparing the analysis. Upon approval of the parking analysis, a detailed, to scale, site plan must be submitted to show all required parking spaces, access point(s), traffic flow pattern, materials used, etc., for the review and approval of the Development Services Office, Public Works Department, and the Fire District. (*A-2-a-ix*, *E-18-a*, *F-27-b*)
- 5. Proposed signage, must meet the minimum standards of §17.23 Sign Standards and obtain approval of a Zoning Clearance and may require a building permit prior to installation. (A-2-a-x)
- 6. Prior to recording the permit, the design of all required road improvements on 6100 South must be reviewed and approved by the Cache County Engineer for compliance with applicable codes. A full set of engineered design and construction plans must be submitted and must address issues of grade, drainage, and base preparation and construction. Fees for any engineering plan and construction review above the base fee collected for road review must be borne by the proponent. Construction of all required road improvements must also be completed prior to recording the permit; alternatively, the applicant may finalize an Improvement Agreement for the road improvements with the County. (*E-17-a-iv*, *F-27-a*)
- 7. Prior to recording the permit, the applicant must provide documentation that the required right-of-way dedication on 6100 South has been made along the frontage of the subject property. (*E-17-a-iv*, *F-27-a*)
- **8.** Any existing or proposed private utilities located within the County right-of-way must be removed and relocated outside the right-of-way. The location of any existing public utilities will be allowed to remain the right-of-way, but any roadside hazards within the clear zone must be mitigated. (*E-17-a-v*)
- 9. Prior to recordation, the applicant must provide a detailed site plan to the Development Services Office for review and approval that includes the location of the access, required parking, drive aisles, turnarounds, as well as site grading plan, site drainage, and other site details to confirm the proposed use meets the minimum development standards. (E-18, F-27a)
- **10.** The applicant must work directly with the Logan Environmental Department, Solid Waste Collection, on any future waste collection needs. (*E-19*)
- 11. Prior to issuance of a zoning clearance and building permits, the applicant must work with the Fire District through the plan review process to ensure fire department access and water supply for fire suppression meet minimum safety requirements. (*E-20*)
- 12. Prior to construction, the applicant must confirm with the Utah Division of Water Rights that the existing water rights for the property are sufficient for the proposed use. Written

2 September 2021 8 of 9

- confirmation must be provided to the Department of Development Services from the state. Alternatively, the applicant must provide proof of an additional, approved water right. (*E-21*)
- **13.** Prior to construction, the applicant must provide confirmation from the Bear River Health Department that the existing septic system will accommodate the proposed use as indicated in the Letter of Intent. Written confirmation from the Bear River Health Department must be provided to the Department of Development Services. Alternatively, a copy of any additional septic permits required must be provided to the Department of Development. (*E-22*)
- 14. Prior to recording the permit, the applicant must provide a stormwater report prepared by a licensed Engineer 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 80th percentile rainfall event or a predevelopment hydrologic condition, whichever is less. The stormwater report must be submitted to the Public Works Department for review and approval. Written confirmation from the Public Works Department that the report has been approved must be submitted to the Development Services Department prior to recording the permit. (*E-23*)
- 15. A Land Disturbance Permit may be required as specified by County and State Code. (E-24)
- **16.** Prior to recording, the applicant must provide a revised site plan that shows the access to the subject property is in accordance with the requirements of the Road Manual. The access for the agritourism use can be a maximum of 36 feet wide, must be paved within the County right-of-way, offset a minimum 10-feet from the property line, and have a minimum spacing of 150 feet to another access. The applicant must obtain approval for an encroachment permit from the jurisdictional authority, either Cache County or UDOT, prior to starting work within the public right-of-way. (*F-27-a*)
- 17. Prior to recordation, 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. (*F-27-c*)

Conclusions

Based on the findings of fact and conditions noted herein, staff recommends approval of the Rocky Mountain Reindeer Farm Conditional Use Permit as:

- 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 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-5)

2 September 2021 9 of 9

Rocky Mountain Reindeer Farm Letter of Intent

Approx. 3750 West 6100 South

Wellsville, Utah 84339

A)The main plan for the above property is to have a reindeer breeding farm. We are capped by the Division of Wildlife and can have no more than 35 mature reindeer on our current acreage. We are starting our herd with 5 animals in 2021 and have purchased 5 more for 2022. Along with breeding, the plan is to have farm tours by appointment, a retail gift shop and Christmas tree sales. Farm guests would use an online scheduling system to reserve their tour time and check in for their tour at our gift shop. Our guests will then have some time to view the farm animals (cow, horse, donkey and chickens) while they wait for their tour group. The tour will then include a 10 minute presentation on reindeer and their husbandry and how to safely interact with them. Guests will then be escorted into the display area with the cows and given the chance to feed them a handful of grain and take photos for approximately 30 minutes.

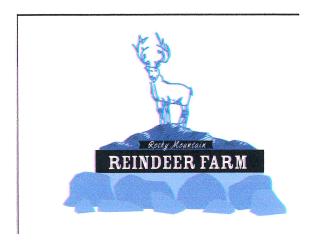
Daily operation of the reindeer farm will include use of loaders, tractors and a utility vehicle to carry feed, bed animals and general animal husbandry.

The main animal barn will be 53 ft. x 72 ft. Eight foot high wire mesh fencing will surround reindeer pens, as required by the Division of Wildlife Resources. Shorter fencing will be used around other farm animals as needed. Inside the animal pens lean-tos will be used as animal shelters. Those will be 24 ft. x 12 ft. and are mobile to allow for rotational grazing. A second 8 ft. high fence will be placed around the back half of the property for biosecurity and is also required by the DWR. Two feed storage barns of 40 ft. x 60 ft. and a 40 ft. x 60 ft. machine shed will also be built along the north property line. A 32 ft. x 16 ft. building for tour check in, agricultural orientation, and gift shop. Lastly, a small concession stand is planned near the gift shop, roughly 12 ft. by 12 ft.

Our plan is to start with the animal pens and gift shop as phase 1. The 8' biosecurity fence will cover only the northwest quadrant at this time. We'll add the agricultural buildings, machine shed and hay barns, as finances allow. Phase 2 we will add a small concession stand. We are planning a roughly 12' x 12' permanent building connected to water and septic. This we will have heat and serve food that once heated doesn't need to be temperature controlled. (ex. Donuts, cookies, popcorn) Potentially in a phase 3 we would add a bowry in our display area to keep the weather off of guests during the tour.

- B) The owners of the property will be the employees in residence. Other employees will be hired from the surrounding area as needed and housing will not be furnished. We will employ 2-3 people through the whole year then seasonally as many as 20 during winter holidays. We would have up to 10 employees working at a time.
- C) Hours of operation by season. November and December open 10 am to 8 pm Mon-Sat

 January through October variable hours by appt.
- D) Approximately 35,000 square feet will be provided on site for parking in anticipation of approximately 50 cars per hour during November and December. One way entrance and exit will provide smooth flow of traffic to exit and enter on 6100 South to prevent having to wait for cross traffic. Employee parking will also be on site parking near feed barns and machine shops, separate from the guest parking lot.
- E) We have contracted a graphic artist to sculpt a fiberglass reinforced cement reindeer for our sign. We submitted the county's sign requirements to their company so their design fits within guidelines for a monument sign. This company has made another reindeer for a different farm; their image of a completed sculpture is also shown below. We'll have the reindeer located on top of some natural boulders sourced from local quarries and flanked by landscaped evergreens. The sign will be on the south side of our parking lot.





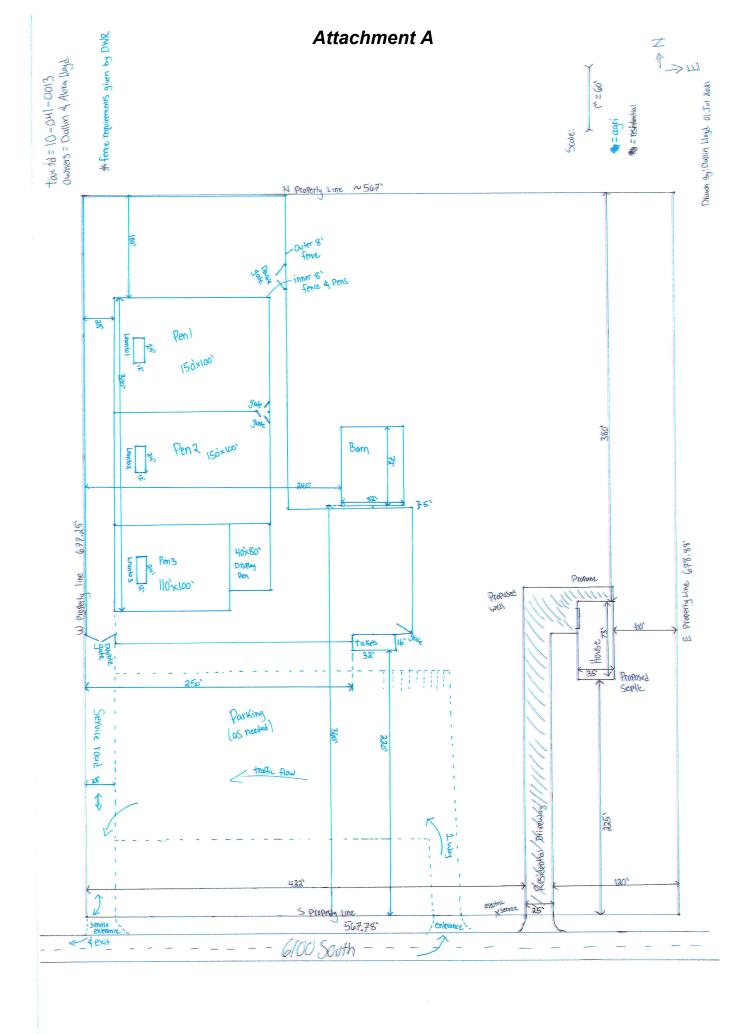
Artist's Rendering

Inspiration photo provided to artist



Artist previous reindeer sculpture

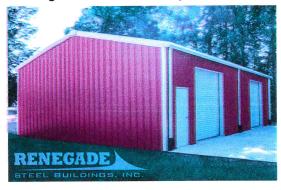
- F) Equipment used will be farm tractors, loaders, UTV's, feed delivery trucks, mowers and general farming equipment.
- G) Trash will be collected by county sanitation and animal waste will be composted on site and sold for fertilizer.



Below is a picture of our animal barn before we dismantled it and moved it to the property. Upon reassembly we will enclose the right side to match the left and center the large overhead door.



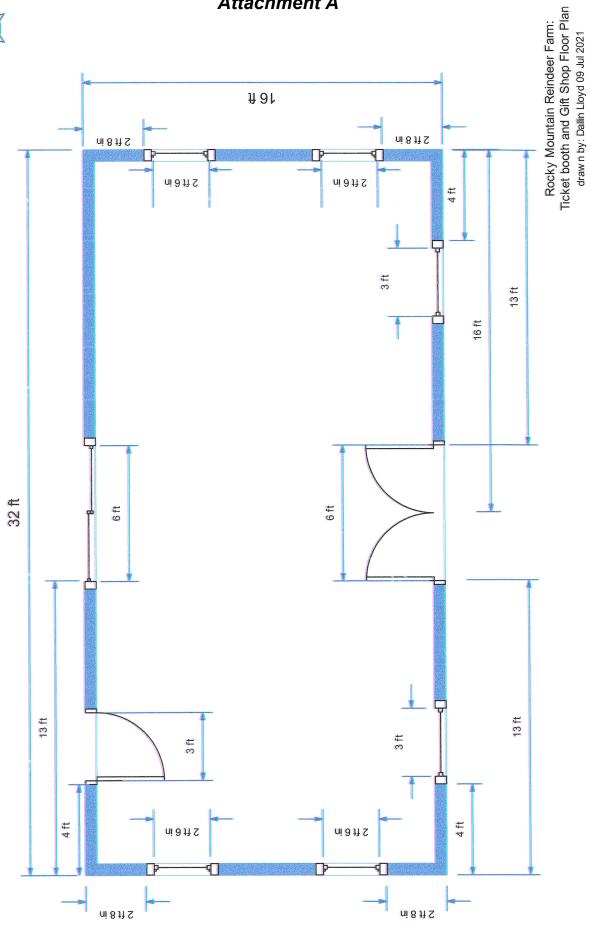
Below is what we are thinking of for the machine shop. The hay barns will be simple steel buildings similar to the shop.



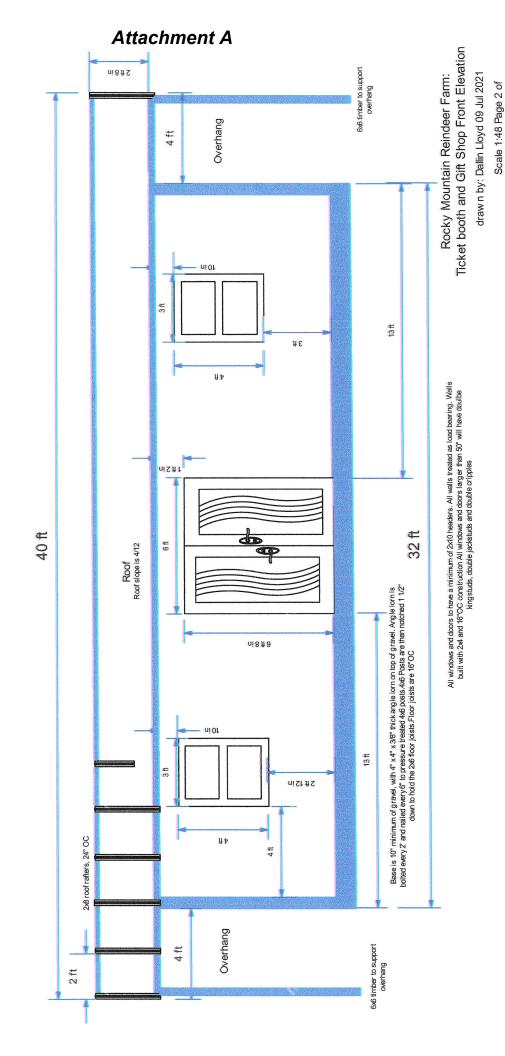
Our Gift shop we want to look cabin like and will have wood siding.

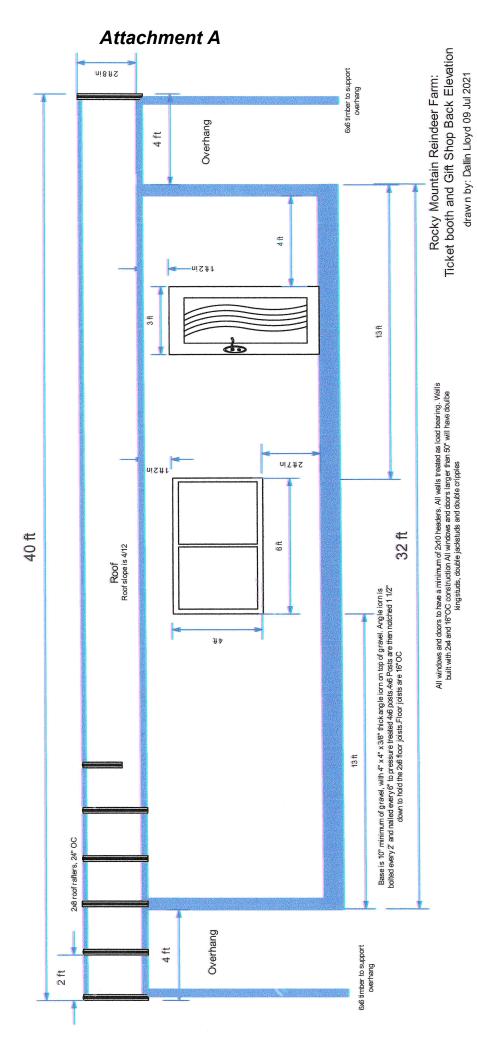






Scale 1:48 Page 1 of





Scale 1:48 Page 2 of



Development Services Department

Building | GIS | Planning & Zoning

Staff Report: West Edge Estates CUP

2 September 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.

Parcel ID#: 04-075-0002, -0003 **Agent:** Justin Robinson

Acres: ~49

Staff Determination: Continue up to 90 days

Type of Action: Administrative

Land Use Authority: Planning Commission

Project Location

Reviewed by Angie Zetterquist

Project Address: ~2200 N 1200 W

near Logan

Current Zoning:

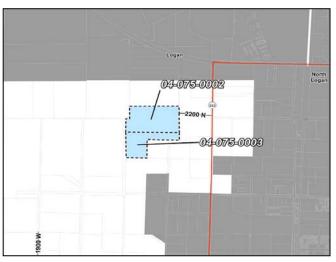
Industrial

North – Agricultural/Wetlands South – Agricultural/Wetlands

East – Industrial

Surrounding Uses:

West – Agricultural/Wetlands

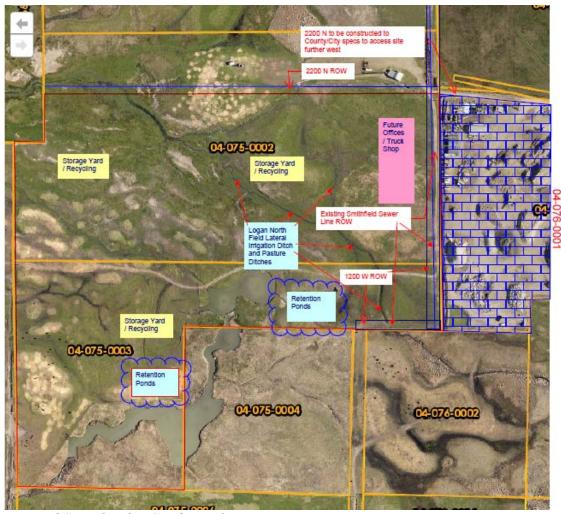




Current boundary lines per GIS imagery



Parcel lines after boundary line adjustment to confirm with Ord. 2021-16 rezone to Industrial



Proposed Site Plan for Conditional Use Permit

2 September 2021 Page 2 of 4

Summary of Request and Additional Information Required

A. Request description

- 1. The West Edge Estates Conditional Use Permit (CUP) is a request to operate a Storage/Warehousing Facility (Use Type 3400) on ~49 acres located on two parcels at ~2200 North 1200 West, near Logan, in the Industrial (I) Zone.
- 2. A rezone for the subject properties was approved as Ordinance 2021-16 by the Cache County Council in June 2021. The rezone boundary did not match the existing parcels and the applicant was advised to complete a boundary line adjustment so that the rezone area matched the parcel prior to submitting an application for a CUP.
- **3.** A boundary line adjustment (BLA) was recorded on May 26, 2021, but the Recorder's Office has not finalized the recording as of this date. The County GIS Department mapped the legal description of the BLA for staff review and the line was adjusted to meet the rezone boundary, but is maintaining two separate parcels instead of a single parcel.
- 4. The project is described in the applicant's Letter of Intent and Site Plans (Attachment A), but the site plan does not provide enough detail to determine if the proposed use is meeting the development standards for the Industrial (I) Zone including setbacks from property lines. As the proposed site plan shows that 2 parcels will be maintained, confirmation that the setbacks and other development standards are being met (i.e., 30 feet from all property lines except for property lines abutting other Commercial or Industrial Zones, then the setback is reduced to 15 feet.). Stock piles of rock products, location of the proposed office, and other business activities cannot straddle the property lines and must meet the required setbacks.
- **5.** Consequently, a detailed, revised site plan is required that addresses these issues.
- 6. The applicant has stated that it is the intention of the proposed facility to move their operations from the adjacent parcel (04-076-0001), but no information about phasing that facility out has been included in the Letter of Intent.
- 7. As there will be additional trips generated from the new proposed facility, UDOT needs to review the proposal as well and may require a change of access approval to SR-252 as well as improvements. No information was provided from UDOT.
- **8.** The subject properties contain possible wetlands. The applicant is aware of the potential wetland areas and has started working with a wetland professional to identify and mitigate necessary areas of the properties for a possible wetland delineation. In the applicant's letter of intent, it is proposed to limit their initial use of the property to those areas deemed to not be subject to additional study requirements. However, those areas must be called out on the site plan so the limited area of operation is clear to both the County and the applicant.
- 9. A stormwater report must also be prepared by a licensed professional for the review and approval of the Public Works Department detailing how the proposed limited development will manage rainfall on-site and prevent the discharge off-site or into potential wetland areas. Any expansion of the operation outside of those specified areas, must come back to the Land Use Authority to amend the Conditional Use Permit, so it is essential that the site plan provide more detail and to confirm that any run-off from these areas will not negatively impact potential wetland areas prior to the wetland analysis and delineation are completed.
- 10. According to the recorded plat, there is a right-of-way for a County Road to extend through the middle of the property through areas identified as being used for the proposed facility. The applicant believes the right-of-way should follow the existing route for the Smithfield City Sewer line, but the County Engineer is still researching this and has not been able to confirm

2 September 2021 Page 3 of 4

the location of the right-of-way at this time. The location of the right-of-way may have significant impacts on the operation of the proposed facility and the site plan.

Staff Conclusion and Recommendation

Based on the information noted herein, staff concludes that a full review of this request is not possible as the necessary information is not available for staff or the Commission's consideration and identification of impacts. Staff therefore recommends that the request be continued for up to 90 days to allow the applicant to provide the necessary information.

2 September 2021 Page 4 of 4

Edge Estates LLC

2005 N 600 W #C, Logan, UT 84321 (435) 753-0967 / (435) 753-0787 fax justin@edgeexcavation.com

July 29, 2021

RE: Notice of Intent of Use of Property at 2200 N 1200 W, Logan, UT

To Whom It May Concern:

Proposed Use: The intent of use is to conduct the same activities as what Edge Excavation has previously conducted on the property directly east of the proposed property for the past 15 years, just move the activities farther west away from 1000 West:

- recycling of concrete and asphalt that largely comes from demolition projects within the city of Logan and nearby areas and diverts the concrete and asphalt from the landfill;
- distribution of rock products (topsoil, screened rock, etc).

Employees: There are typically 2-3 employees working in the area daily

Hours of operation: M-F 7am-5pm.

Traffic and Parking: There is typical semi- and dump truck traffic consistent with the operation. The traffic accesses 1000 West at 2200 North. There is ample room onsite to park employee vehicles and drop trailers as necessary.

Signage: No permanent signage.

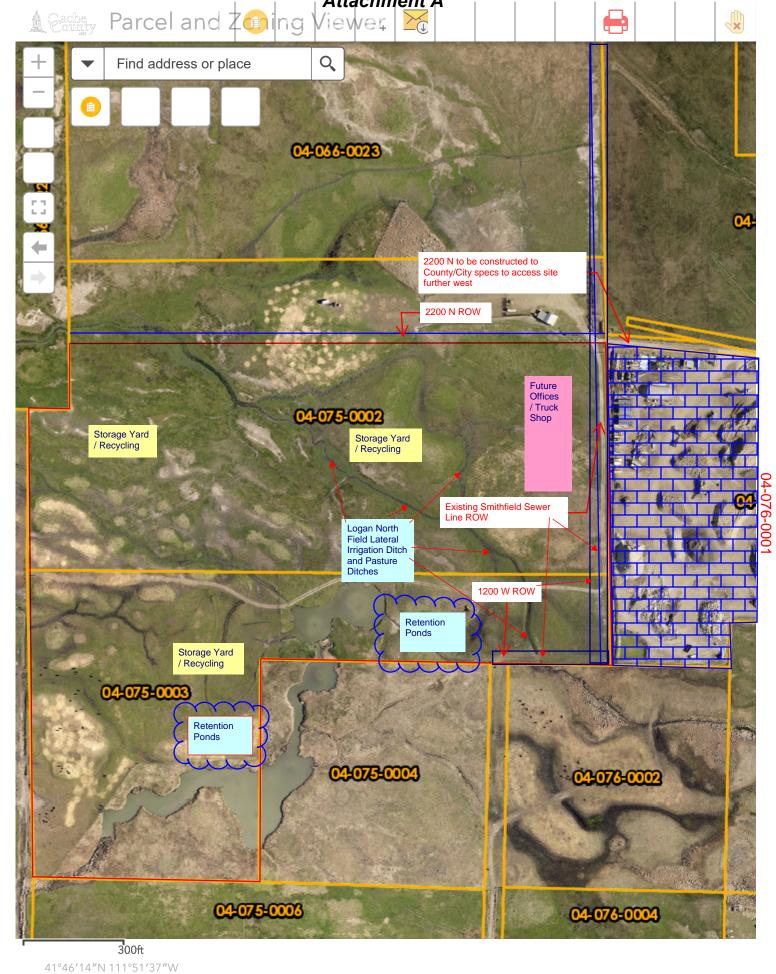
Equipment: 2-3 CAT 950 Loaders, a CAT 320 Excavator, a Recycle Crusher and Screen on property **Waste/Garbage:** Minimal waste/garbage generated... we do maintain a self-handled dumpster that we take to our existing shop to dump for any miscellaneous garbage. We also have a Port-a-John for the employees on-site that is serviced regularly.

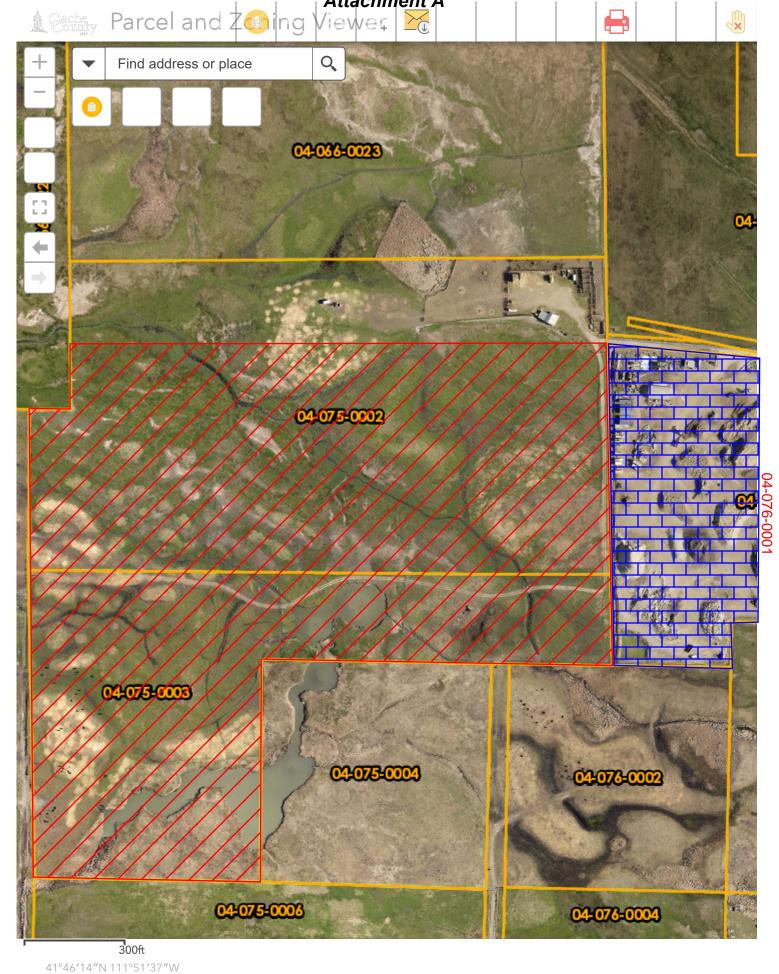
Additional Information: We have been working with a wetland professional to specifically identify and mitigate necessary areas of the property in regards to wetland delineation. We are limiting our initial use of the property to those areas deemed to not be subject to additional study requirements and will expand use of the property based upon those studies and professional evaluation.

Please let me know if you have any questions or comments.

Thank you!

Justin Robinson, Agent





https://gis.cachecounty.org/Websites/Parcel and Zoning Viewer/



Development Services Department

Building | GIS | Planning & Zoning

Staff Report: Valley View Self Storage CUP

2 September 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: Matt Thompson Parcel ID#: 12-033-0027

Staff Determination: Continue up to 90 days

Type of Action: Administrative

Land Use Authority: Planning Commission

Project Location

Reviewed by Angie Zetterquist

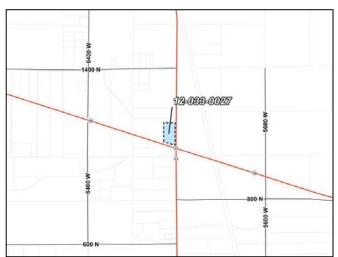
Project Address:

1103 North 6000 West

near Mendon

Current Zoning: Acres: 4.8

Commercial



West – Agricultural

Surrounding Uses:

North – Agricultural

South – Agricultural/SR-30

East – Agricultural/SR-23

Summary of Request and Additional Information Required

A. Request description

- 1. The Valley View Self Storage Conditional Use Permit (CUP) is a request to operate a Self-Service Storage Facility (Use Type 3410) with 486 storage units and a caretaker's residence with a small office on 4.8 acres located on at 1103 North 6000 West, near Mendon, in the Commercial (C) Zone.
- 2. The subject property is located on the northwest corner of SR-30 and SR-23 and was rezoned in 1990 per Ordinance 90-01 from Agriculture (A) to Commercial Highway (CH). In 1997, it was included as part of the River View Subdivision. Typically, mixed zoned subdivisions are not supported and concerns were noted in the subdivision file, however the Deputy County

2 September 2021 Page 1 of 3

- Attorney did not want to pursue any litigation and it was approved as part of the subdivision. Portions of the subdivision are currently restricted, but the subject parcel has not changed size or configuration from the approved plat. A convenience store/gas state was also proposed at the time of the rezone request, but was never pursued or developed. The property has remained undeveloped.
- **3.** The applicant submitted an application for a CUP to construct and operate a self-service storage facility on August 4, 2021. However, after a full development review of the application was completed, additional information is required from the applicant before the CUP request can proceed (UCA 17-27a-509.5). This summary has been prepared by staff to provide direction to the applicant in order to move forward.
- **4.** The project is described in the applicant's Letter of Intent and Site Plans (Attachment A), but the following items must be addressed:
 - a. Upon review of the application, it appears the proposed facility meets the requirements of "Urban Development" as defined by the State (UCA §10-2-401-1-k and 10-2-402-5). A project is considered an urban development if the cost projection for a commercial or industrial use is greater than \$750,000.00. The subject property is located within the Mendon City future annexation area and the City must consent to the proposed use in writing, or if it objects, the county must respond in writing to the municipality's objections.
 - **b.** Site plan does not provide enough detail to determine if the proposed use is meeting the development standards for the Commercial (C) Zone including lot coverage. Lot coverage in the Commercial Zone is limited to 50%. The definition of "lot/parcel coverage" in the Code, provides that it is the percentage of the area of a lot/parcel which is occupied by all buildings, other impervious structures, or other covered structures." A lot coverage and stormwater run-off analysis must be provided and a determination made.
 - **c.** The site plan provided also does not appear to meet the development standards for setbacks of a commercial zone (i.e., 30 feet from all property lines).
 - **d.** Confirmation that the standards specific to the Commercial Zone related to landscaping, screening, et cetera per §17.10.030 are being met was not provided. For example, the proposed screening is a chain link fence, which does not meet the requirement and must be revised to another type of screening.
 - **e.** The plans do not provide adequate information as to whether the proposed caretaker's residence meets the definition for Use Type 1600 and meets the Fire Code requirement to have sprinklers installed due to the occupancy type.
 - **f.** The Fire District is requiring a full plan review to confirm other required fire suppression facilities are provided and emergency access is sufficient. A full plan review can be done after the review and approval of a CUP as a condition of approval.
 - **g.** Access to the subject property is from a UDOT facility, but the application was missing any approvals or references of requirements from UDOT. Copies of notes from a UDOT meeting were provided later, but were not included in the development review due to the late submittal of this information.
 - h. The Public Works Department requires that the applicant provide site improvement plans that include site grading, site drainage, and site details. Additionally, a stormwater report prepared by a licensed professional detailing how the proposed development will manage rainfall on-site and prevent the off-site discharge of the

2 September 2021 Page 2 of 3

precipitation from all rainfall events less than or equal to the 80th percentile rainfall event or a predevelopment hydrologic condition, whichever is less.

Staff Conclusion and Recommendation

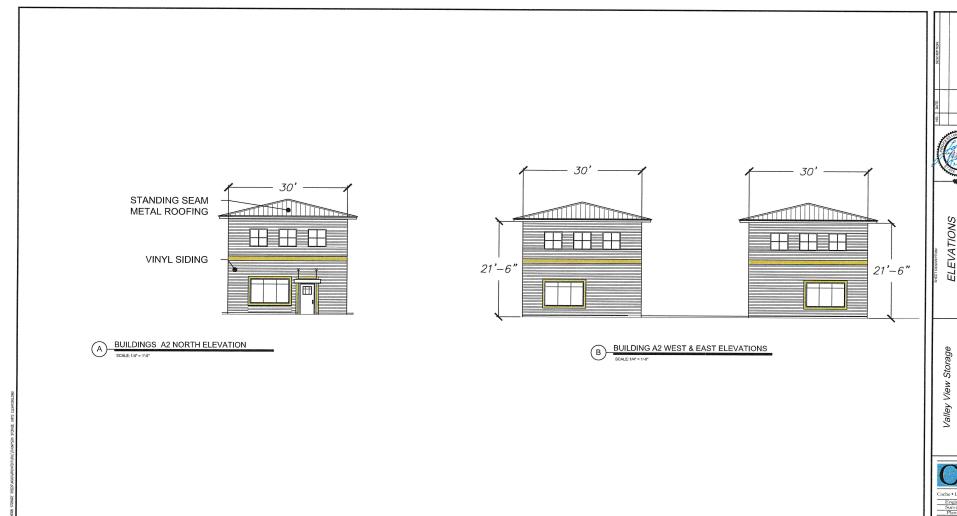
Based on the information noted herein, staff concludes that a full review of this request is not possible as the necessary information is not available for staff or the Commission's consideration and identification of impacts. Staff therefore recommends that the request be continued for up to 90 days to allow the applicant to provide the necessary information.

2 September 2021 Page 3 of 3

Valley View Self Storage

Letter of Intent

- a). Proposed Use. The proposed use will be 486 self-storage units with a caretaker's residence and small office. The project will consist of two phases. Phase One will include the construction of six buildings (286 units), the caretakers office, and associated site infrastructure. Phase II will consist of four buildings (200 units). The buildings will be masonry with metal doors and metal roofing. The drive aisles will be gravel. The site is approximately 4.80 acres. A six-foot chain-link fence will be installed on the west and north property lines.
- b). Number of employees. There will be 2 onsite employees living in the caretaker's home.
- c). Hours of Operation. The facility will be open for tenants to access their unit 24/7. The Business office hours will be limited to 8 am to 6 pm.
- *d). Traffic and parking.* There will be 3 parking stalls. One for the residences and two for the storage units.
- *e). Signage.* Signage will be letters on the end of the Building D2 facing SR 30. The sign will have Valley View Storage and a Phone Number for contact.
- f). Equipment. It is anticipated the only equipment on site will be a truck or tractor for snow removal.
- g). Waste and/or garbage. The only waste required to be collected is waste generated by the caretaker's resident. It is anticipated the waste bin will require a 90-gallon container and a recycling can.





ELEVATIONS STORAGE BUILDING A2

Valley View Storage 1103 N 6000 W MENDON, UTAH, 84325

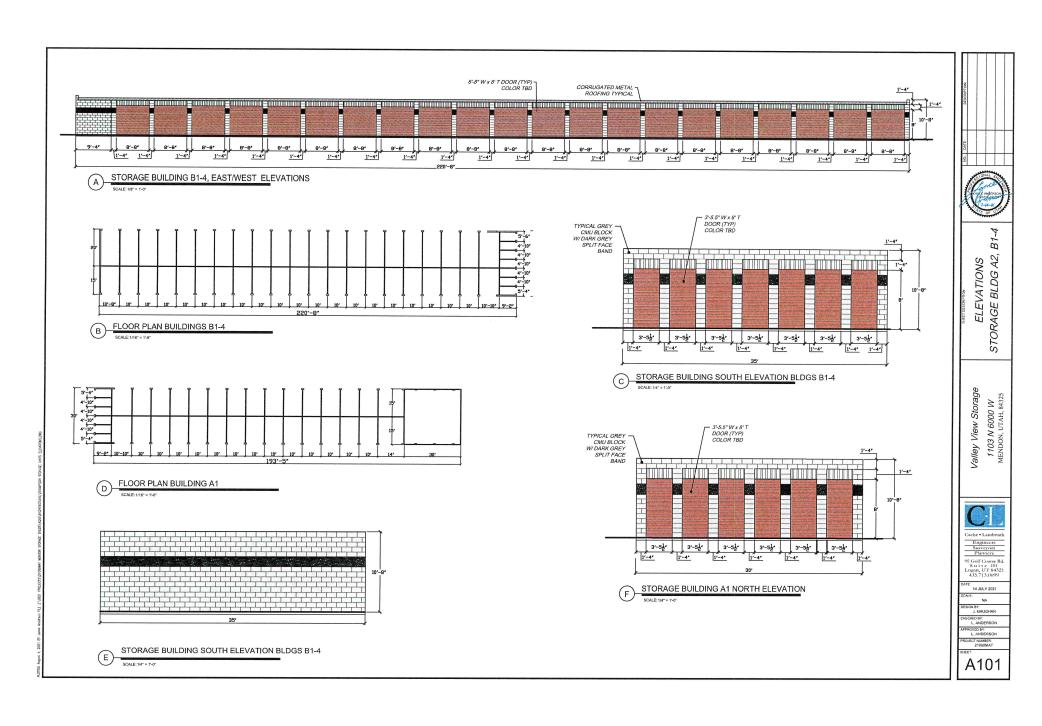


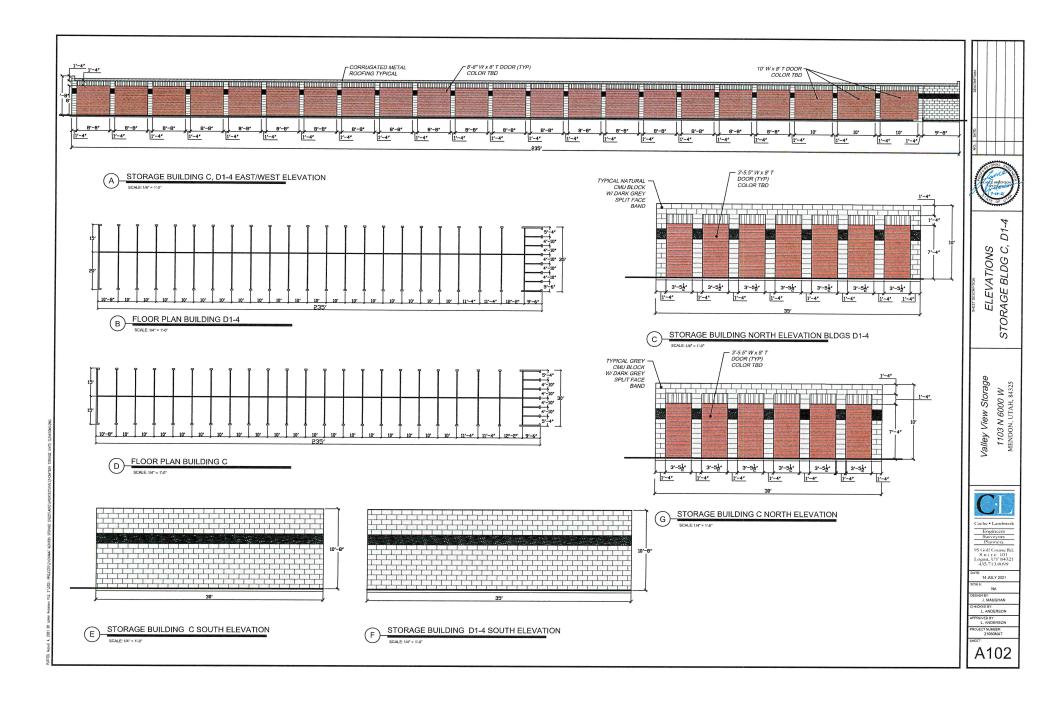
95 Golf Course Rd. Suite 101 Logan, UT 84321 435.713.0099

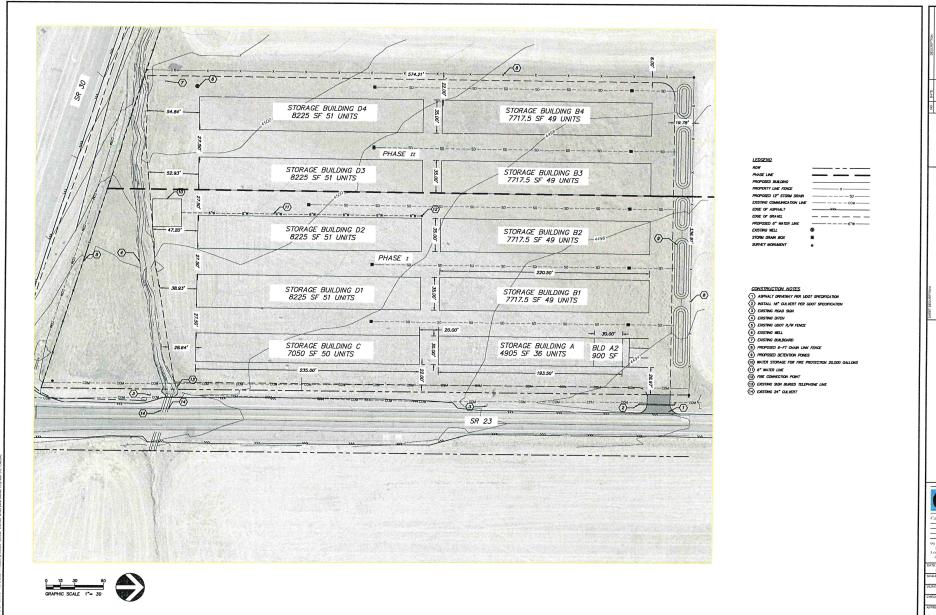
DATE: 14 JULY 2021 SCALE: NA

NA
DESIGN BY:
J. MAUGHAN
CHECKED BY:
L. ANDERSON
APPROVED BY:
L. ANDERSON
PROJECT NUMBER:
21060MAT

A100







1"= 30
ESIGN BY
C, GOODRICH
HECKEO BY
L, ANDERSON
APPROVED BY:
L ANDERSON
PROJECT NUMBER
21060MAT

C-100