## Cache

### Planning Commission Agenda | 7 April 2022

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 – Jason Watterson
Review and approval of agenda
Review and approval of the minutes of the 3 March 2022 meeting

### 5:35 p.m.

### **Consent Items**

- 1. Bailey Acres Subdivision 1<sup>st</sup> 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.
- **2. Denali South Horse Ranch Subdivision** A request to create a 1-lot subdivision with an Agricultural Remainder on a 12.38 acre property removed from the Bailey Acres Subdivision located at 3387 South Highway 23, near Wellsville, in the Agricultural (A10) Zone.
- **3. Old Canyon Subdivision** A request to create a 2-lot subdivision with an Agricultural Remainder on 20.76 acres located at approximately 8400 South 4000 West, near Wellsville, in the Agricultural (A10) Zone.
- **4. Zollinger South Subdivision** A request to create a 1-lot subdivision with an Agricultural Remainder on 34.2 acres located at 692 South 1000 East, near Providence, in the Agricultural (A10) Zone.

### **Regular Action Items**

- **5.** Public Hearing (5:35 pm): Christy Farm Rezone A request to rezone 7.41 acres located at 5560 West 2000 South, near Mendon, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone. A rezone to RU2 Zone would allow for a maximum potential of 3 buildable lots for single family residential, whereas the existing A10 Zone allows for a maximum of 1 buildable lot.
- **6. Mt. Naomi Farms U-Pick Conditional Use Permit** A request to operate an Agritourism facility (Use Type 6140), specifically for U-Pick, on 7.10 acres of a 49.9 acre property located at ~4500 North 1200 East, near Hyde Park, in the Agricultural (A10) Zone.

Board Member Reports Staff reports Adjourn

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

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

### When Speaking on an Agenda Item

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

When it is your turn to speak:

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

### Legislative (Public Hearing) vs. Administrative (Public Meeting) Functions

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

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

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

### **Limits of Jurisdiction**

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



### **Development Services Department**

Building | GIS | Planning & Zoning

Planning Commission Minutes	3 March 2022
<u>Item</u>	<u>Page</u>
<u>Consent Items</u>	
1. Sharp Mini Subdivision	2
Regular Action Items	
2. Cub River Estates Rezone	2
3. Holyoak Airport Conditional Use Permit	3
4. Discussion: Amending 17.07.030	4
5. Discussion: General Plan Update	4

- 1 Present: Angie Zetterquist, Chris Harrild, Tim Watkins, Lauran Ryan, Brady Christensen, Chris Sands,
- 2 Melinda Lee, Jason Watterson, Lane Parker, Brandon Spackman, Nolan Gunnell, Taylor Sorensen,
- 3 Megan Izatt
- 4 Start Time: 05:32:00
- 5 **Sands** called the meeting to order and **Lee** gave the opening remarks.
- 6 05:35:00
- 7 Agenda
- 8 Adopted as presented.
- 9 **05:35:00**
- 10 Minutes
- 11 Minutes from December 2, 2021 and February 3, 2022 were adopted with no changes.
- 12 05:36:00
- 13 Consent Items
- 14 #1 Sharp Mini Subdivision Extension Request
- 15 Watterson motioned to approve the consent items; Parker seconded; Approved 6, 0.
- 16 05:37:00
- 17 #2 Cub River Estates Rezone
- 18 **Zetterquist** reviewed the staff report for the Cub River Estates Rezone.
- 19 **Commissioners** and **Staff** discussed access through a steep slope area.
- 20 Mr. Davis commented on access to the property.
- 21 **Ben Johnston** commented on engineering for the road design for access to the property.
- 22 Vern Fielding commented on access to the property.
- 23 Commissioners and Staff discussed access, steep slopes, and hardship relief.
- 24 Joe Chambers commented that the Planning Commission is a recommending body and can recommend
- 25 approval to the County Council for this application.
- 26 **Mr. Davis** commented on the hardship relief.
- 27 **Sands** commented that there is a lot to this issue.

- 1 **Commissioners** discussed the hardship issue and access.
- 2 Commissioners and Staff discussed making recommendations under the code, how to possibly change
- 3 the code, and access to the proposed property.
- 4 Mr. Davis asked what the path is for hardship based on what the code says.
- 5 **Gunnell** stated that the County Council would have to really look into the hardship.
- 6 **Mr. Davis** asked about 4 homes being a reasonable use without a rezone. He asked that the Commission 7 make a recommendation of hardship so that the application can go forward.
- 8 Parker motioned to recommend denial to the County Council for the Cub River Estates Rezone based on
- 9 the recommendation and conclusion; **Lee** seconded; **Passed 6, 0.**
- 10 06:46:00

### 11 #3 Holyoak Airport Conditional Use Permit

- 12 **Harrild** reviewed the County's presentation for the Holyoak Airport Conditional Use Permit (CUP)
- 13 revocation.
- 14 **Sorenson** reviewed the County Code's requirement for amending a CUP which would be to have a new
- 15 application submitted for any changes to the CUP and reviewed recent rulings made by the Utah Supreme
- 16 Court for hearing evidence for CUPs.
- 17 Commissioners and Staff discussed the FAA's Circular requirements for runways and hearing
- 18 comments from the applicant and possible comments from others in the audience.
- 19 **Joe Chambers** commented that he had discussed taking two hours for their presentation with the County
- 20 attorneys and he had thought they had agreed that was reasonable. He also reviewed Mrs. Holyoak's
- 21 experience as an engineer with Northrup Grumman. He reviewed the County Code and how it references
- 22 the FAA Circular.
- 23 Rachel Holyoak commented that she does have an engineering background and that the FAA circular
- 24 has not been followed by the County. She also discussed the home being in the RPZ.
- 25 **Mr. Chambers** stated that prior to this meeting there was no evidence of the home being in the RPZ.
- 26 Ms. Holyoak commented on not wanting to restrict other people's property rights and reviewed the
- 27 timeline of events with staff from her view point, her understanding of the CUP, and the different options
- 28 that she feels would possibly fulfill the CUP requirements.
- 29 **Watterson** asked how a pilot unfamiliar with the airport knows about the restrictions for the runway.
- 30 **Ms. Holyoak** responded that if the FAA is restricting it, that information is given in the airport map. In
- 31 this case, the condition would be recorded on the CUP and because the runway is private the pilots have
- 32 to have permission and she would have to explain the restrictions. In an emergency, the pilot is allowed
- 33 to do whatever is needed to land the aircraft and the FAA has backed those decisions.

### 1 08:00:00

- 2 Parker motioned to extend the meeting for 45 mins; Watterson seconded; Passed 6, 0.
- 3 **Brittney Rupert** commented as owner of the south property and that precedence has been set to remove
- 4 homes from the RPZ area on the north end of the runway and that is has been stated they need to reapply.
- 5 **Dirk Howard** commented on the FAA circular and its recommendation that airports own the land in the
- 6 RPZ and that he has never seen an airplane use the runway since 2016.
- 7 **Laura Barass** commented that a home is in the middle of the RPZ and that the airstrip hasn't been used 8 for several years.
- 9 Commissioners and Staff discussed the original CUP from 2016 and its language and Mrs. Holyoak's
- 10 suggestion to restrict the runway for left hand departures. Also discussed a possibly continuation based
- 11 on the new information received from the applicant tonight and some concerns raised by Commissioners
- 12 regarding the ability to amend the CUP.
- 13 Spackman motioned to continue the Holyoak Airport Conditional Use Permit Revocation for up to 90
- 14 days; Watterson seconded; Passed 6, 0.
- 15 Mr. Chambers commented on the Commission's ability to revoke CUPs, and how they would have
- 16 applied for an amendment if they had been aware of that option. He also commented how he and his
- 17 client would like to solve the problems.
- 18 08:23:00
- 19 #4 Discussion Amending Title 17.07.030: Use Related Definitions 4100 Recreational Facility;
- 20 17.09.030: Schedule of Zoning Uses by Zoning District 4100 Recreational Facility
- 21 Watkins reviewed the information to amend the code for Ordinance 17.07.030 and 17.09.030. and the
- 22 possibility of temporarily not allowing or limiting the types of uses while options are being explored.
- 23 Commissioners and Staff discussed the type of limitations that can be applied and where these types of
- 24 facilities might be appropriate. Also discussed was making sure these types of changes are not a knee jerk
- 25 reaction to public clamor and that it is important to find a balance.
- 26 08:46:00
- 27 Christensen motioned to extend the meeting until 9:00 pm; Lee seconded; Passed 6, 0.
- 28 **#5 Discussion: General Plan Update**
- 29 **Lauren Ryan** updated the Commission on the Imagine Cache process and where the General Plan is 30 headed.
- 31 09:07:00
- 32 Adjourned



### **Development Services Department**

Building | GIS | Planning & Zoning

### **Staff Report:** Bailey Acres Subdivision 1<sup>st</sup> Amendment

7 April 2022

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: David Rupp Parcel ID#: 11-048-0011

**Staff Determination:** Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

### **Project Location**

Reviewed by Angie Zetterquist

**Project Address:** 

3387 South Highway 23

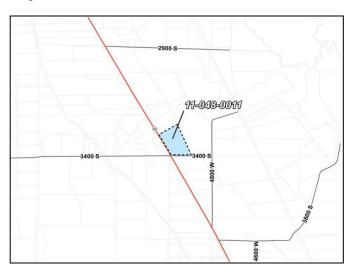
Near Wellsville

**Current Zoning:** Acres: 12.38

Agricultural (A10)

### **Surrounding Uses:**

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





### **Findings of Fact**

### A. Request description

1. The Bailey Acres Subdivision 1<sup>st</sup> Amendment is a request to remove Lot 3 from the existing 4-lot subdivision. The proposed amendment will reduce the subdivision boundary area of the Bailey Acres Subdivision from 55.26 acres to 42.88 acres, which still allows the creation of one additional buildable lot from Lot 4 through a subdivision amendment process. The lot removed as a result of the subdivision amendment must create a separate subdivision and both the subdivision amendment and the new subdivision must be recorded at the same time. The new subdivision for Lot 3 is being processed as the Denali South Horse Ranch Subdivision, a 1-lot subdivision with an agricultural remainder. *See condition #1* 

### **B.** Parcel legality

2. The subject property is legal as it is in the same size and configuration as the approved Bailey Acres Subdivision recorded on May 24, 2007.

### 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 Additional water rights are not required as part of this subdivision amendment, as no new buildable lots are being created.
- **5.** §16.04.080 [B] Sewage Requirements As no new lots are proposed as part of this subdivision amendment, there is no requirement to confirm septic feasibility from the Bear River Health Department.
- **6.** §16.04.070 Storm Drainage Requirements Compliance with State Stormwater Detention must be met (i.e., retain 80% of storm event and no increased runoff). A Land Disturbance Permit is required for any future development. *See condition #2 & #3*

### E. Access

- 7. §16.02.010 Standards and Lot Size All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County Zoning Ordinance and within this title.
- **8.** Table 17.10.040 Site Development Standards Minimum lot frontage required in the A10 Zone is 90 feet.
- **9.** §17.07.040 General Definitions Lot/Parcel Frontage: that portion of a development site that abuts a public or private roadway. For the purposes of determining setback requirements on corner lots, all sides of a lot adjacent to a roadway shall be considered frontage
- **10.** §16.04.040 [A] Roads All roads must be designed and constructed in accordance with Title 12 of the County Code.
- **11.** §12.02.010 Roadway Standards Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
- 12. §16.04.080 [E] Roads and Access A basic road review is required and must consider:
  - **a.** The layout of proposed roads;
  - **b.** An analysis of existing roadway compliance with the Road Manual requirements;
  - **c.** Existing maintenance;
  - **d.** And any additional impacts to the proposed development access roads.

### **13.** The Road Manual specifies the following:

- **a.** §2.1 Roadway Functional Classification Local Roads Local Roads are roads whose primary function is to provide access to residences, farms, businesses, or other properties that abut the road, rather than to serve through traffic. Although some through traffic may occasionally use a local road, through traffic service is not the primary purpose of local roads. For purposes of design and construction standards, local roads are subdivided into Major Local (ML) and Minor Local (L) Roads.
- b. Minor Local Road (L): Minor Local Roads serve almost exclusively to provide access to properties adjacent to the road. Minor local roads generally serve residential or other non-commercial land uses. Many minor local roads are cul-de-sacs or loop roads with no through continuity. The length of minor local roads is typically short. Because the sole function of local roads is to provide local access, such roads are used predominantly by drivers who are familiar with them.

- **c.** Table B-6 Typical Cross Section Minimum Standards: Minor local roads must meet the minimum standard of a 66-foot right-of-way, two 10-foot wide paved travel lanes with 4-foot wide gravel shoulders: 14-inches depth of granular borrow, a 6-inches depth of untreated base course, and 3 inches of bituminous surface course (asphalt).
- **14.** A basic review of the access to the existing subdivision identifies the following:
  - **a.** Access to the subdivision is from SR 23, 3400 South, and 4800 West.
  - **b.** State Route 23:
    - i. Is a state facility under the jurisdiction of UDOT.
    - ii. Provides access to Lots 1, 2, and 3 of the subdivision.
    - iii. Is maintained year round.
  - **c.** 3400 South:
    - **i.** Provides access to Lots 3 & 4 of the subdivision as well as access to other agricultural lands and residential properties.
    - ii. Is classified as a Minor Local road per the County Road Manual.
    - iii. Is maintained year round.
    - iv. Is substandard as to dedicated right-of-way. See condition #4 & #5
    - **v.** Is also substandard as to width of travel lands, paved and gravel shoulders, clear zone, material, and structure. However, the County Engineer has determined that no road improvements are required as no new lots are being created in the previously approved subdivision.
    - **d.** 4800 West:
      - **i.** Provides access to Lot 4 as well as to other agricultural lands and residential properties.
      - ii. Is classified as a Minor Local road per the County Road Manual.
    - iii. Is maintained year round.
    - iv. Is substandard as to the dedicated right-of-way. See condition #4
    - **v.** Is also substandard as to width of travel lands, paved and gravel shoulders, clear zone, material, and structure. However, the County Engineer has determined that no road improvements are required as no new lots are being created in the previously approved subdivision.

### F. Service Provision

- **15.** §16.04.080 [C] Fire Control The County Fire District visited the site of the proposed subdivision and had no comments on the subdivision amendment. Any future development on the property must be reevaluated and may require improvements based on the location of the proposed access and development.
- **16.** §16.04.080 [F] Solid Waste Disposal Logan City Environmental provides refuse service to this subdivision, but had no comments on the proposed subdivision amendment.

### G. Sensitive Areas

- 17. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
  - **a.** The County GIS data shows that there areas of the existing subdivision within the FEMA floodplan and the 100-foot County floodplain buffer. Future development within these areas may require further analysis, review, and approvals prior to the issuance of a zoning clearance. *See condition #6*

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

- **18.** Public notice was posted online to the Utah Public Notice Website on 21 March 2022.
- **19.** Notices were posted in three public places on 21 March 2022.

- **20.** Notices were mailed to all property owners within 300 feet of the subject property and the three adjacent municipalities on 18 March 2022.
- **21.** At this time, no written public comment regarding this proposal has been received by the Development Services Office.

### **Conditions**

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

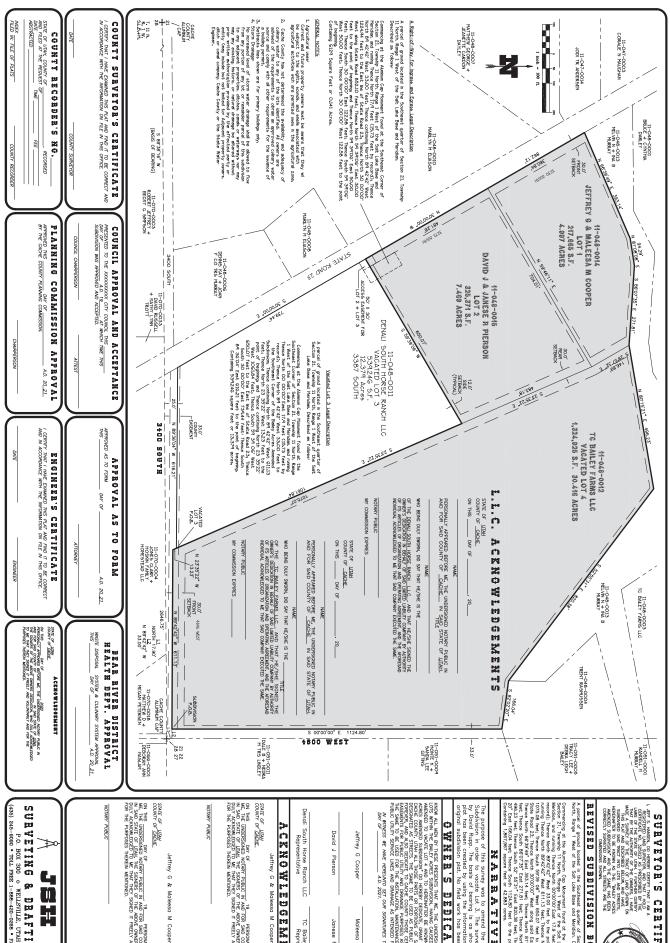
- 1. The Bailey Acres Subdivision 1<sup>st</sup> Amendment and the Denali South Horse Ranch Subdivision must be recorded at the same date and time after the conditions of approval have been satisfied, the plat review completed, and all required signatures have been obtained on the mylar plats. (See A-1)
- **2.** Compliance with State Stormwater Detention must be met (i.e., retain 80% of storm event and no increased runoff). (See D-6)
- **3.** A Land Disturbance Permit is required for land disturbance related to future development. (*See D-6*)
- **4.** Prior to recording the plat, the plat must be revised to provide the required 33-foot wide right-of-way from the centerline of both 3400 South and 4800 West along the amended subdivision boundary. Signature blocks for the impacted property owners must be added to the plat for the required right-of-way dedication. Additionally, a separate roadway dedication will need to be recorded for the vacated Lot 3 along 3400 South as part of the Denali South Horse Ranch Subdivision. (See E-14-c-iv, E-14-d-iv)
- 5. Prior to recording the plat, any shared accesses that were part of the vacated Lot 3 will need to be recorded as a separate instrument. The applicant must provide the Development Services Office with a copy of the recorded instrument confirming this condition has been met. (See E-14-c-iv)
- **6.** Prior to issuance of a zoning clearance, additional analysis and review may be required for the sensitive areas present on the subject property depending on the location of future development. (*G-17-a*, *G-17-b*)

### **Conclusions**

Based on the findings of fact and conditions noted herein, staff recommends approval of the Bailey Acres Subdivision 1<sup>st</sup> Amendment as:

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

7 April 2022 Page 4 of 4



## SUBALLUS CEBLILICYLE

## 7/20-21 10, 25023 231E OF ORD

## REVISED SUBDIVISION BOUNDARY

commencing at the Aluminum Cap Monument (and at the Subheast Corne of Section 2.1, Township 1.1 Morth, Rogary 1. Wast of the Stal Lade Base and Medicin, and unming throat North OVD000 East 17.9 Sect (17.37 Sect by Medicin, and unming throat North OVD0000 East 17.9 Sect (17.37 Sect by Medicin, and United Section 1.1 Sect (17.37 Sect by Medicin) Thereo North Sect (2.27 West 1.1.1 Sect) Throat Sect the Sect (2.27 West 1.1.1 Sect) Throat Sect into 62.3 Throat Sect (2.37 Sect sect) Sect (2.37 Sect) Section (2.37 Section (2. A parcel of ground located in the Southeast quarter of Section 21, Township 1 North, Range 1 West of the Sait Lake Base and Meridian. Described as follows:

## RABBATIVE

The purpose of this survey was to amend the Bailey Acres Subdivision in order to vacate Lot 3. The survey was ordered by David Rupp. The basis of bearing is as shown hereon. This plat has been created by using the information found on the original subdivision plat. No field work has been performed. HOILYDIGE S.EEN.M.O.

## NAWA ML MEN BY THESE PRESENTS THAT WE, THE UNDERSIONED OWNERS OF LOTS WITHIN THE BALLEY ACRES SUBDIVISON, HAVING CAUSED THE SAME TO MERNED TO MACATE DOT 4 AND TO HERDINATINE BE KNOWN AS THE! THAT OF THE PROPERTY ACRES AND THE PROPERTY OF THE PROPERTY OF

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TC Bailey Farms LLC Representative	Janese R Pierson	Maleesa M Cooper	R SIGNATURES THIS	ENLANCE, SHAM AND CONVEY TO PORTIONS OF SAID TRACTION OF LAND SEED AS PUBLIC THOROUGHFARES SUMTY HOSE CERTAIN STRIPS AS E PURPOSES AS SHOWN HEREON, N., MAINTENANCE AND OPERATION OF AS INTENDED FOR PUBLIC USE.

## ACKNOWLEDGEMENTS

Jettrey G & Maleesa

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ON THIS DAY OF MEDIATOR THEILO IN AND FRESONALLY APPEARED BEFORE ME, THE UNDERSONED NOTARY PHEILO IN AND TARGE SUD COUNTY OF IN SAID STATE OF <u>UIDAL</u>, THE SIGNERS OF THE ABOVE OWNERS DEDICATION, WHO DULY ACKNOWLEDSED TO ME THAT THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOYSES THEREIN MEDITIONED.

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NOTARY PUBLIC	

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SUBVETING & DRAFTING INC.
P.O. BOX 300 O WELLSVILLE, UTAH 84339
(435) 245-9090 • TOLL FREE 1-889-420-0269 • FAX (435) 255-9699



### **Development Services Department**

Building | GIS | Planning & Zoning

### Staff Report: Denali South Horse Ranch Subdivision

7 April 2022

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: David Rupp Parcel ID#: 11-048-0011

**Staff Determination:** Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

### **Project Location**

Reviewed by Angie Zetterquist

**Project Address:** 

3387 South Highway 23

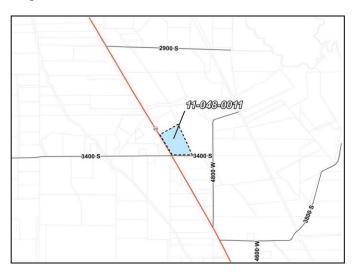
Near Wellsville

**Current Zoning:** Acres: 12.38

Agricultural (A10)

### **Surrounding Uses:**

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





### **Findings of Fact**

### A. Request description

1. The Denali South Horse Ranch Subdivision is a request to create a one-lot subdivision with an Agricultural Remainder from the vacated Lot 3 of the Bailey Acres Subdivision. Lot 1 of the proposed subdivision will be 0.75 acres and the Agricultural Remainder will be 11.43 acres. See condition #1

### **B.** Parcel legality

**2.** The subject property is legal as it is in the same size and configuration as the approved Bailey Acres Subdivision recorded on May 24, 2007.

7 April 2022 Page 1 of 4

### 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 Additional water rights are not required as part of this subdivision amendment, as no new buildable lots are being created.
- **5.** §16.04.080 [B] Sewage Requirements As no new lots are proposed as part of this subdivision amendment, there is no requirement to confirm septic feasibility from the Bear River Health Department.
- **6.** §16.04.070 Storm Drainage Requirements Compliance with State Stormwater Detention must be met (i.e., retain 80% of storm event and no increased runoff). A Land Disturbance Permit is required for any future development. *See condition #2 & #3*

### E. Access

- 7. §16.02.010 Standards and Lot Size All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County Zoning Ordinance and within this title.
- **8.** Table 17.10.040 Site Development Standards Minimum lot frontage required in the A10 Zone is 90 feet.
- **9.** §17.07.040 General Definitions Lot/Parcel Frontage: that portion of a development site that abuts a public or private roadway. For the purposes of determining setback requirements on corner lots, all sides of a lot adjacent to a roadway shall be considered frontage
- **10.** §16.04.040 [A] Roads All roads must be designed and constructed in accordance with Title 12 of the County Code.
- **11.** §12.02.010 Roadway Standards Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
- 12. §16.04.080 [E] Roads and Access A basic road review is required and must consider:
  - **a.** The layout of proposed roads;
  - **b.** An analysis of existing roadway compliance with the Road Manual requirements;
  - **c.** Existing maintenance;
  - **d.** And any additional impacts to the proposed development access roads.
- **13.** The Road Manual specifies the following:
  - **a.** §2.1 Roadway Functional Classification Local Roads Local Roads are roads whose primary function is to provide access to residences, farms, businesses, or other properties that abut the road, rather than to serve through traffic. Although some through traffic may occasionally use a local road, through traffic service is not the primary purpose of local roads. For purposes of design and construction standards, local roads are subdivided into Major Local (ML) and Minor Local (L) Roads.
  - **b.** Minor Local Road (L): Minor Local Roads serve almost exclusively to provide access to properties adjacent to the road. Minor local roads generally serve residential or other non-commercial land uses. Many minor local roads are cul-de-sacs or loop roads with no through continuity. The length of minor local roads is typically short. Because the sole function of local roads is to provide local access, such roads are used predominantly by drivers who are familiar with them.
  - **c.** Table B-6 Typical Cross Section Minimum Standards: Minor local roads must meet the minimum standard of a 66-foot right-of-way, two 10-foot wide paved travel lanes with 4-

foot wide gravel shoulders: 14-inches depth of granular borrow, a 6-inches depth of untreated base course, and 3 inches of bituminous surface course (asphalt).

- **14.** A basic review of the access to the existing subdivision identifies the following:
  - a. Access to the subdivision is from SR 23, 3400 South, and 4800 West.
  - **b.** State Route 23:
    - i. Is a state facility under the jurisdiction of UDOT.
    - ii. Is maintained year round.
  - **c.** 3400 South:
    - i. Provides access to agricultural lands and residential properties.
    - ii. Is classified as a Minor Local road per the County Road Manual.
    - iii. Is maintained year round.
    - iv. Is substandard as to dedicated right-of-way. See condition #4 & #5
    - v. Is also substandard as to distance between access points, width of travel lands, paved and gravel shoulders, clear zone, material, and structure. See condition #6
    - **vi.** The County Engineer has determined that road improvements and changes to the existing driveway accesses are required on 3400 South along the frontage of the proposed subdivision to bring into compliance for a Minor Local Road per the County Road Manual. *See condition #6*
    - vii. Encroachment permits are required for work within the County right-of-way. See condition #6

### F. Service Provision

- **15.** §16.04.080 [C] Fire Control The County Fire District visited the site of the proposed subdivision and had no comments on the subdivision amendment. Any future development on the property must be reevaluated and may require improvements based on the location of the proposed access and development.
- **16.** §16.04.080 [F] Solid Waste Disposal Logan City Environmental provides refuse service to this subdivision, but had no comments on the proposed subdivision amendment.

### **G.** Sensitive Areas

- 17. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
  - **a.** The County GIS data does not show any sensitive areas within the proposed subdivision boundary. Future development within these areas may require further analysis, review, and approvals prior to the issuance of a zoning clearance.

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

- 18. Public notice was posted online to the Utah Public Notice Website on 21 March 2022.
- **19.** Notices were posted in three public places on 21 March 2022.
- **20.** Notices were mailed to all property owners within 300 feet of the subject property and the three adjacent municipalities on 18 March 2022.
- **21.** At this time, no written public comment regarding this proposal has been received by the Development Services Office.

### **Conditions**

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

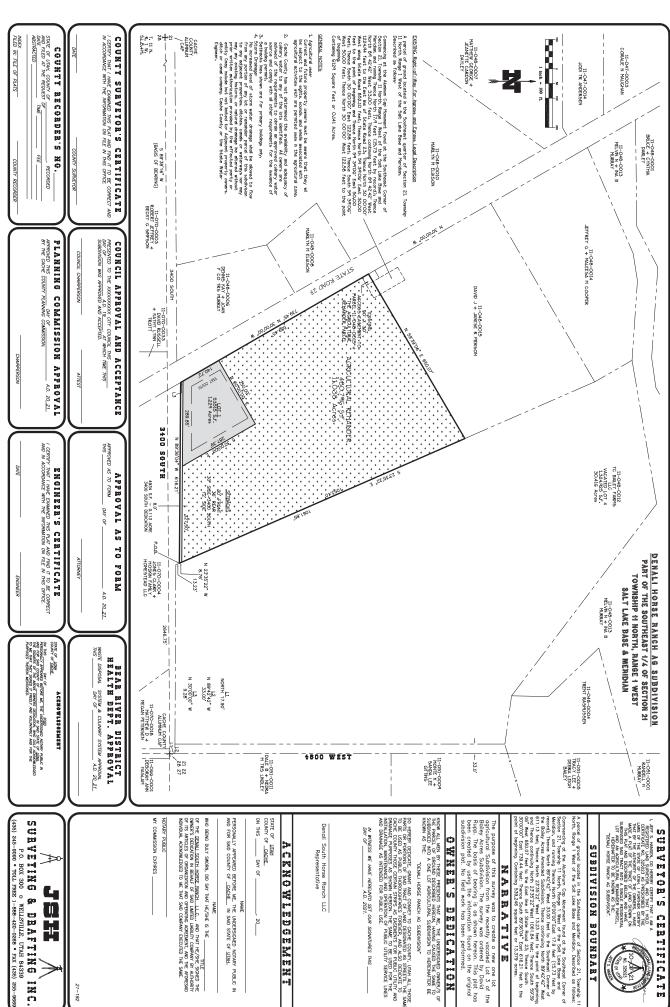
- 1. The Denali South Horse Ranch Subdivision and the Bailey Acres Subdivision 1<sup>st</sup> Amendment must be recorded at the same date and time after the conditions of approval have been satisfied, the plat review completed, and all the required have been obtained on the mylar plats. (See A-1)
- **2.** Compliance with State Stormwater Detention must be met (i.e., retain 80% of storm event and no increased runoff). (*See D-6*)
- **3.** A Land Disturbance Permit is required for land disturbance related to future development. (*See D-6*)
- **4.** Prior to recording the plat, the plat must be revised to provide the required 33-foot wide right-of-way from the centerline of both 3400 South. (See E-14-c-iv)
- 5. Prior to recording the plat, any shared accesses that were part of the subject property when it was Lot 3 of the Bailey Acres Subdivision must be recorded as a separate instrument. The applicant must provide the Development Services Office with a copy of the recorded instrument confirming this condition has been met. (See E-14-c-iv)
- **6.** Prior to recording the plat, the applicant must bring 3400 South and driveway accesses into compliance with the requirements for a Minor Local Road. All road improvement plans and construction details must be submitted to the County Public Works Department and Fire District for their review and approval prior to making the improvements. Any additional review fees must be paid by the applicant. The applicant must provide copies of all approvals and permits for the required road improvements to the Development Services Department. Encroachment permits are required for work in the County right-of-way. (*E-14-c-v, -vi, -vii*)

### **Conclusions**

Based on the findings of fact and conditions noted herein, staff recommends approval of the Denali South Horse Ranch Subdivision as:

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

7 April 2022 Page 4 of 4



### 10-60-21 10-3003 10

A parcel of ground located in the Southeast quarter of Section 21, Township 11 North, Range 1 West of the Salt Lake Base and Meridian. Described as follows:

The purpose of this survey was to create a new one lot agricultural Subdivision from the recently vacated Lat 3 of the Balley Acres Subdivision. The survey was ordered by David Rupp. The basis of bearing is as shown hereon. This plot has been created by using the information found on the original subdivision plot. No field work has been performed.

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNER/S OF THE PARCEL OF GROUND DESCRIBED HEREON, HAWNS CAUSED THE SAME TO SUBDIVIDED INTO A ONE LOT AGRICULTURAL SUBDIVISION TO HEREINAFTER BE KNOWN AS THE "DENALI HORSE RANCH AG SUBDIVISION"

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PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF <u>CACHE</u> IN SAID STATE OF <u>UTAH</u>,





### **Development Services Department**

Building | GIS | Planning & Zoning

### Staff Report: Old Canyon Subdivision

7 April 2022

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:** Joseph & Lindsey Hawkes

**Parcel ID#:** 10-059-0001

**Staff Determination:** Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

### **Project Location**

Reviewed by Angie Zetterquist

**Project Address:** 

~8400 South 4000 West

Near Wellsville

**Current Zoning:** Acres: 20.76

Agricultural (A10)

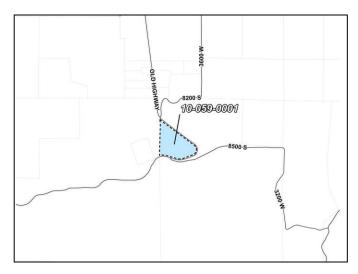
### **Surrounding Uses:**

North – Agricultural/Residential

South -Forest Recreation/Agricultural

East – Agricultural

West – Forest Recreation / Agricultural





### **Findings of Fact**

### A. Request description

- 1. The Old Canyon Subdivision is a request to create a 2-lot subdivision with an Agricultural Remainder on 20.76 acres in the Agricultural (A10) Zone.
  - a. Lot 1 will be 5.0 acres;
  - **b.** Lot 2 will be 1.52 acres; and
  - **c.** The Agricultural Remainder will be 14.24 acres.

### **B.** Parcel legality

2. The subject property is legal as it existed as of August 8, 2006, and has not been divided without the approval of the Land Use Authority.

7 April 2022 Page 1 of 4

### 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 The applicant provided proof of two approved domestic water rights for the proposed subdivision (i.e., #25-11371/a80685; #25-11620/a45850).
- **5.** §16.04.080 [B] Sewage Requirements The applicant has provided a copy of a letter from the Bear River Health Department confirming both lots can accommodate a septic system.
- **6.** §16.04.070 Storm Drainage Requirements Compliance with State Stormwater Detention must be met (i.e., retain 80% of storm event and no increased runoff). Prior to recording the plat, the application must submit a storm water report prepared by a licensed engineer to the Public Works Department for review and approval. Construction of any required infrastructure is also required prior to recording the plat. A Land Disturbance Permit is required for any future development. *See condition #1 & #2*

### E. Access

- 7. §16.02.010 Standards and Lot Size All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County Zoning Ordinance and within this title.
- **8.** Table 17.10.040 Site Development Standards Minimum lot frontage required in the A10 Zone is 90 feet.
- **9.** §17.07.040 General Definitions Lot/Parcel Frontage: that portion of a development site that abuts a public or private roadway. For the purposes of determining setback requirements on corner lots, all sides of a lot adjacent to a roadway shall be considered frontage
- **10.** §16.04.040 [A] Roads All roads must be designed and constructed in accordance with Title 12 of the County Code.
- **11.** §12.02.010 Roadway Standards Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
- **12.** §16.04.080 [E] Roads and Access A basic road review is required and must consider:
  - **a.** The layout of proposed roads;
  - **b.** An analysis of existing roadway compliance with the Road Manual requirements;
  - **c.** Existing maintenance;
  - **d.** And any additional impacts to the proposed development access roads.
- **13.** The Road Manual specifies the following:
  - **a.** Local Roads Local Roads are roads whose primary function is to provide access to residences, farms, businesses, or other properties that abut the road, rather than to serve through traffic. Although some through traffic may occasionally use a local road, through traffic service is not the primary purpose of local roads. For purposes of design and construction standards, local roads are subdivided into Major Local (ML) and Minor Local (L) Roads.
  - **b.** Minor Local Road (L): Minor Local Roads serve almost exclusively to provide access to properties adjacent to the road. Minor local roads generally serve residential or other non-commercial land uses. Many minor local roads are cul-de-sacs or loop roads with no through continuity. The length of minor local roads is typically short. Because the sole function of local roads is to provide local access, such roads are used predominantly by drivers who are familiar with them.

- **c.** Table B-6 Typical Cross Section Minimum Standards: Minor local roads must meet the minimum standard of a 66-foot right-of-way, two 10-foot wide paved travel lanes with 4-foot wide gravel shoulders: 14-inches depth of granular borrow, a 6-inches depth of untreated base course, and 3 inches of bituminous surface course (asphalt).
- **14.** A basic review of the access to the proposed subdivision identifies the following:
  - **a.** Access to the proposed subdivision is from Old Canyon Road.
  - **b.** Old Canyon Road:
    - **i.** Provides access to a few residential properties, agricultural fields, and is currently a dead end road as gates have been installed by an adjacent private property owner.
    - ii. Is classified as a Minor Local road within the county's jurisdiction.
    - **iii.** Is maintained in the summer and partially in the winter.
    - iv. Is substandard as to width of gravel shoulder, clear zone, and material.
    - v. The County Engineer has identified that roadway improvements are required to bring Old Canyon Road up to a Minor Local roadway standard. *See condition #3*
    - vi. A 48-foot radius turn-around is required at the end of the road. Work within the County right-of-way requires approval of an Encroachment Permit. See condition #4

### F. Service Provision

- **15.** §16.04.080 [C] Fire Control The County Fire District visited the site of the proposed subdivision and did not have any comments regarding the proposed subdivision. A turnaround must be constructed at the end of the extended road that meets the requirements of the Fire District and Road Manual. Any future development on the property must be reevaluated and may require improvements based on the location of the proposed access and development. **See condition #3 & #4**
- **16.** §16.04.080 [F] Solid Waste Disposal Logan City Environmental provides refuse service to this subdivision. Refuse containers must be placed at the intersection of 8200 South and 4000 West for collection. Sufficient shoulder space must be provided along the side of the 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.** The County GIS data shows that there are areas of steep and moderate slopes on the subject property.
  - **b.** The subject property is also located within the Wildland-Urban Interface area and the Wildfire Hazard Area.
  - **c.** Additional review may be required for the sensitive areas based on where future development will be located. *See condition #5*

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

- **18.** Public notice was posted online to the Utah Public Notice Website on 21 March 2022.
- **19.** Notices were posted in three public places on 21 March 2022.
- **20.** Notices were mailed to all property owners within 300 feet of the subject property on 18 March 2022.
- **21.** At this time, no written public comment regarding this proposal has been received by the Development Services Office.

### **Conditions**

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

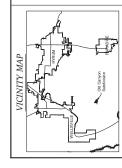
- 1. Prior to recording the plat, a storm water report prepared by a licensed engineer must be submitted to and approved by the Public Works Department, and any storm water infrastructure required by the report must be constructed. The applicant must provide copies of all written confirmation, including permits and approvals, to the Development Services Department at that time. (See D-6)
- 2. A Land Disturbance Permit is required for land disturbance related to future development. (*See D-6*)
- **3.** Prior to recording the plat, the applicant must bring Old Canyon Road into compliance with the requirements for a Minor Local Road. All road improvement plans and construction details must be submitted to the County Public Works Department and Fire District for their review and approval prior to making the improvements. Any additional review fees must be paid by the applicant. The applicant must provide copies of all approvals and permits for the required road improvements to the Development Services Department. Encroachment permits are required for work in the County right-of-way. (see E-14-b-v, F-15)
- **4.** Prior to recording the plat, a turn-around must be constructed at the end of Old Canyon Road West that meets the requirements of the Public Works Department and County Fire Department. All road improvement plans and construction details must be submitted to the County Public Works Department and Fire District for their review and approval prior to making the improvements. Any additional review fees must be paid by the applicant. The applicant must provide copies of approvals and permits to the Development Services Department from the County Public Works Department and the County Fire Department. Encroachment permits are required for work in the County right-of-way. (See E-14-b-vi, F-15)
- **5.** Prior to issuance of a zoning clearance, additional analysis and review may be required for the sensitive areas present on the subject property depending on the location of future development. (*G-17-c*)

### **Conclusions**

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

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

7 April 2022 Page 4 of 4



### SURVEY NARRATIVE

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Parcel 10-060-0005

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2022.

SIGNED THIS DAY OF

BARBED MRE FENCE LINE QUARTER SECTION LINE FOUND SURVEY MARKER SET PROPERTY CORNER EXISTING ASPHALT

## COUNTY ENGINEER APPROVAL

ATTEST: COUNTY CLERK

**FOUND SECTION CORNER MONUMENT** 

APPROVED THIS DAY OF

COUNTY ENGINEER

2022.

## COUNTY ATTORNEY APPROVAL

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

DAYOF

SIGNED THIS

2022

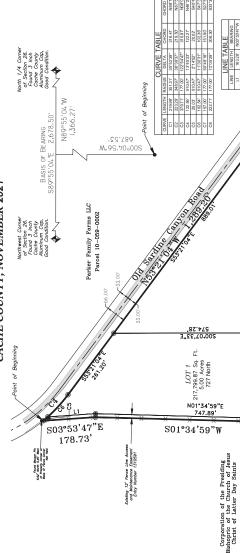
COUNTY ATTORNEY

# OLD CANYON SUBDIVISION

PROFESSIONAL LAND SURVEYOR'S CERTIFICATE

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LOCATED WITHIN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 10 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN CACHE COUNTY, NOVEMBER 2021



## OWNER'S DEDICATION

LOT 2 (\$7.66,365.58 Sq. Ft. 1.52 Acres 727 North

4N85\*10'28"W S87\*36'44"W

AGRICULTURE REMAINDER PARCEL 620,162.59 Sq. Ft. 14.24 Acres

-Existing Well

Existing 12' Fence Line Access and Maintenance Easement Entry Number 1310591

50.00' Radius Temporary Turn Around Easemen

CONTAINING 904,328.03 SQUARE FEET OR 20.761 ACRES.

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AND DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL EASEMENTS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS THIS.

—, 2022.

JOSEPHG. HAWKES

LINDSEY R. HAWKES

107 200

-100 FT SCALE HORIZONTAL 1" = 1

BOUNDARY LINE SURVEYING

ACKNOWLEDGEMENT

Parker Family Farms LLC Parcel 10-059-0002

STATE OF UTAH

2022, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED JOSEPH G. HAWKES NSTRUMENT, WHO PROVED ON THE BASIS OF SATISFACTORY

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

THE SUBDIVISION DESCRIBED IN THIS PLAT HAS BEEN APPROVED BY THE BEAR RIVER HEALTH DEPARTMENT ON

THE DAY OF

BEAR RIVER HEALTH
DEPARTMENT APPROVAL

THIS PLAT WAS RECOMMENDED FOR APPROVAL BY THE CACHE COUNTY PLANNING COMMISSION

PLANNING COMMISSION ON THE

DAYOF

SURVEYOR'S CERTIFICATE

DEPUTY COUNTY

BY COUNTY ORDINANCE AND STATE LAW.

DAY OF

ALL OF PARCEL 10-059-0001

FILED FOR RECORD AND RECORDED ENTRY NUMBER

IN BOOK

JOSEPH G. & LINDSEY R. HAWKES 10684 SOUTH 800 EAST PARADISE, UTAH, 84328

SEAL

A NOTARY PUBLIC COMMISSIONED IN UTAH

2022.

SIGNED THIS DAY OF

2022.

SIGNED THIS DAY OF

TITLE BY:

CHAIR

2022

DEPUTY COUNTY SURVEYOR

CACHE COUNTY RECORDER FOR: DAY OF 20 AT IN OF PLATS PAGE

CACHE COUNTY RECORDER P.O. BOX 237 MENDON, UTAH, 84325 435-760-7642



### **Development Services Department**

Building | GIS | Planning & Zoning

### **Staff Report:** Zollinger South Subdivision

7 April 2022

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:** Dallas Torgersen **Parcel ID#:** 02-004-0010

**Acres:** 34.2

**Staff Determination:** Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

### **Project Location**

Reviewed by Angie Zetterquist

**Project Address:** 

1140 South 1000 East

Logan

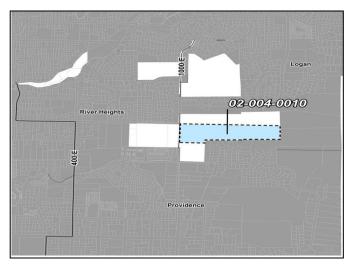
**Current Zoning:** 

Agricultural (A10)

### **Surrounding Uses:**

North – Agricultural/Residential South –Residential/Providence City East – Agricultural/Logan City

West –Agricultural/Residential





### **Findings of Fact**

### A. Request description

- 1. The Zollinger South Subdivision is a request to create a 1-lot subdivision with an Agricultural Remainder on 34.2 acres in the Agricultural (A10) Zone.
  - a. Lot 1 will be 1.75 acres; and
  - **b.** The Agricultural Remainder will be 32.18 acres.

### **B.** Parcel legality

2. The subject property is legal as it is in the same size and configuration as on August 8, 2006.

### 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 The applicant provided proof of approved domestic water rights for the proposed subdivision (i.e., #25-11754/a47709).
- **5.** §16.04.080 [B] Sewage Requirements The applicant has provided a copy of an approved septic permit issued by the Bear River Health Department for the subdivision lot.
- **6.** §16.04.070 Storm Drainage Requirements Compliance with State Stormwater Detention must be met (i.e., retain 80% of storm event and no increased runoff). Prior to recording the plat, the application must submit a storm water report prepared by a licensed engineer to the Public Works Department for review and approval. Construction of any required infrastructure is also required prior to recording the plat. A Land Disturbance Permit is required for any future development. *See condition #1 & #2*

### E. Access

- **7.** §16.02.010 Standards and Lot Size All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County Zoning Ordinance and within this title.
- **8.** Table 17.10.040 Site Development Standards Minimum lot frontage required in the A10 Zone is 90 feet.
- **9.** §17.07.040 General Definitions Lot/Parcel Frontage: that portion of a development site that abuts a public or private roadway. For the purposes of determining setback requirements on corner lots, all sides of a lot adjacent to a roadway shall be considered frontage
- **10.** §16.04.040 [A] Roads All roads must be designed and constructed in accordance with Title 12 of the County Code.
- **11.** §12.02.010 Roadway Standards Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
- 12. §16.04.080 [E] Roads and Access A basic road review is required and must consider:
  - **a.** The layout of proposed roads;
  - **b.** An analysis of existing roadway compliance with the Road Manual requirements;
  - **c.** Existing maintenance;
  - **d.** And any additional impacts to the proposed development access roads.
- 13. The Road Manual specifies the following:
  - **a.** §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 a 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.

- **14.** A basic review of the access to the proposed subdivision identifies the following:
  - **a.** Access to the proposed subdivision is from 1000 East.
  - **b.** 1000 East:
    - **i.** Provides access through access between River Heights and Providence and to many residential properties.
    - ii. Is classified as a Major Collector road within the county's jurisdiction as well as in the adjacent municipalities. *See condition #3*
    - iii. Has curb and gutter on both sides and a 4-foot wide sidewalk on the east side.
    - iv. Is maintained year round.
    - v. Is substandard as to dedicated right-of-way.
    - **vi.** Access to the subdivision must meet the requirements of a Major Collector per the Road Manual including, but not limited to, spacing between access points, easements, and a turn-around. *See condition #4*
    - vii. Work within the County right-of-way requires approval of an Encroachment Permit. See condition #4

### F. Service Provision

- **15.** §16.04.080 [C] Fire Control The County Fire District visited the site of the proposed subdivision. The access road and driveway(s) will need to be a minimum 20-foot wide, all-weather surface for emergency vehicle access. Any future development on the property must be reevaluated and may require improvements based on the location of the proposed access and development. *See condition #5*
- **16.** §16.04.080 [F] Solid Waste Disposal Logan City Environmental provides refuse service to this subdivision. Refuse containers must be placed 1000 East for collection. Sufficient shoulder space must be provided along the side of the 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.** The County GIS data shows that there are two irrigation canals that cross the subject property. The applicant must work with the canal companies and obtain all required permits and approvals to develop in these areas. The County Land Use Code requires a minimum of 16.5-foot setback from the top of the bank of the canal to any development. **See condition #6**
  - **b.** Additional review may be required for the sensitive areas based on where future development will be located. *See condition #6*

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

- **18.** Public notice was posted online to the Utah Public Notice Website on 21 March 2022.
- 19. Notices were posted in three public places on 21 March 2022.
- **20.** Notices were mailed to all property owners within 300 feet of the subject property and the three adjacent municipalities on 18 March 2022.
- **21.** At this time, no written public comment regarding this proposal has been received by the Development Services Office.

### **Conditions**

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

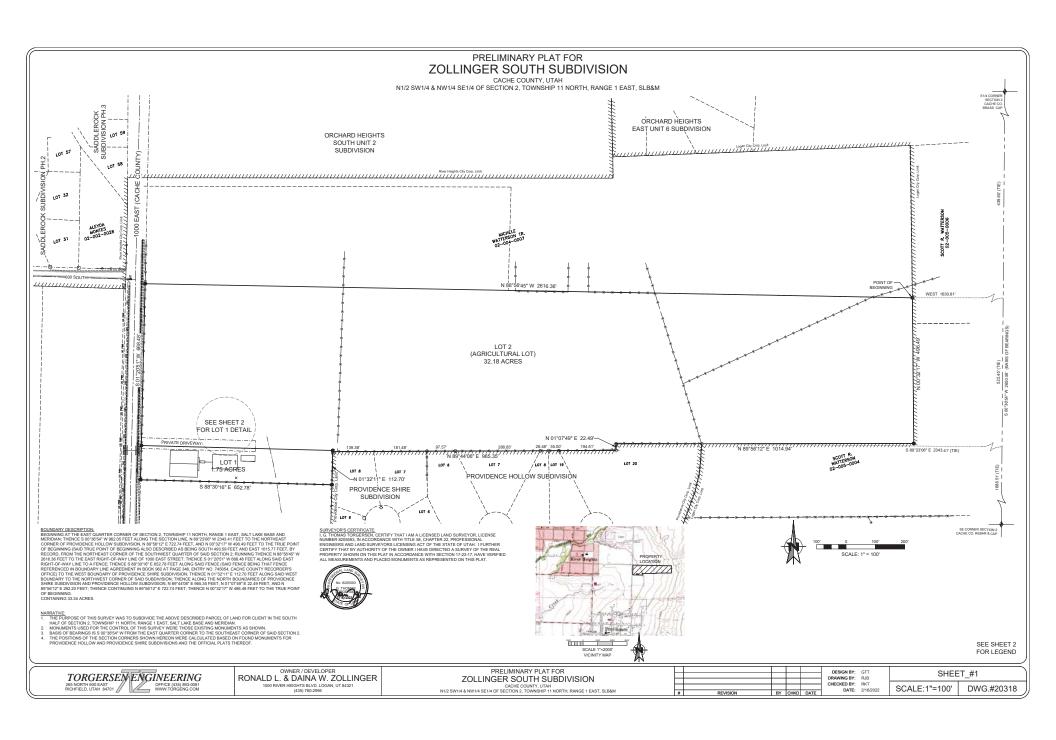
- 1. Prior to recording the plat, a storm water report prepared by a licensed engineer must be submitted to and approved by the Public Works Department, and any storm water infrastructure required by the report must be constructed. The applicant must provide copies of all written confirmation, including permits and approvals, to the Development Services Department at that time. (See D-6)
- 2. A Land Disturbance Permit is required for land disturbance related to future development. (*See D-6*)
- **3.** Prior to recording the plat, the plat must be revised to show the required front yard setback from 1000 East must be measured from the proposed 40-foot right-of-way from centerline, not from the property line. The setback from the proposed right-of-way must also be shown on any Zoning Clearance application for future development on the subject property. (*See E-14b-ii*)
- **4.** Prior to recording the plat, the applicant must meet the requirements for a private driveway or Minor Private Road access from a Major Collector. All access and road improvement plans and construction details must be submitted to the County Public Works Department and Fire District for their review and approval prior to making the improvements. Any additional review fees must be paid by the applicant. The applicant must provide copies of all approvals and permits for the required road improvements to the Development Services Department. Encroachment permits are required for work in the County right-of-way. (see E-14-b-vi, -vii)
- 5. Prior to recording the plat, the access road and driveways must meet the Fire District's requirements of a 20-foot wide, all-weather surface for emergency vehicle access. All access and road improvement plans and construction details must be submitted to the County Public Works Department and Fire District for their review and approval prior to making the improvements. Any additional review fees must be paid by the applicant. The applicant must provide copies of approvals and permits to the Development Services Department from the County Public Works Department and the County Fire Department. Encroachment permits are required for work in the County right-of-way. (See F-15)
- **6.** Prior to issuance of a zoning clearance, additional analysis and review may be required for the sensitive areas present on the subject property depending on the location of future development. (*G-17-a*, *G-17-b*)

### **Conclusions**

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

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

7 April 2022 Page 4 of 4



### PRELIMINARY PLAT FOR ZOLLINGER SOUTH SUBDIVISION CACHE COUNTY, UTAH N1/2 SW1/4 & NW1/4 SE1/4 OF SECTION 2, TOWNSHIP 11 NORTH, RANGE 1 EAST, SLB&M LOT 2 (AGRICULTURAL LOT) 32.18 ACRES (CACHE 1000 EAST ( 88"30"16" E 389.00" PRIVATE DRIVEWAY SETBACKS LOT 1 1.75 ACRES LOT 8 14 S 88°30'16" E 652.78" RULON D. BICKMORE, ET AL. 02-004-0011 NOTES: A CULINARY WATER: CACHE COUNTY HAS NOT DETERMINED THE AVAILABILITY OR ADEQUACY OF CULINARY WATER TO ANY OF THE LOTS IDENTIFIED. ALL OWNERS ARE ADVISED OF THE REQUIREMENTS TO OBTIAN AN APPROVED CULINARY WATER SOURCE AND COMPLY WITH ALL OTHER REQUIREMENTS FOR THE ISSUANCE OF A ZONING CLEARANCE, PRIOR TO THE ISSUANCE OF A BUILDING PERMIT. PRIVATE DRIVEWAY: 1) THE PRIVATE DRIVEWAY SHOWN HEREON IS NOT DEDICATED TO CACHE COUNTY AND NO MAINTENANCE OR SNOW REMOVAL WILL BE PROVIDED BY CACHE COUNTY. 2) THE PRIVATE DRIVEWAY SHALL BE USED BY ALL LOTS IN THIS SUBDIVISION FOR ACCESS TO THE PUBLIC ROAD. LEGEND E. ADRICAL TUBE PROTECTION AREA. THIS PROPERTY IS LOCATED IN THE VIGINITY OF AN ESTABLISHED AGRICULTURE PROTECTION AREA IN WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PROPERTY USE STATUS IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE PUTURE BE CONDUCTED OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON THE ACCEPTANCE OF ANY GROWNISTANCE RELATED TO LAND USE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES. — US NO. — EXISTING UG TELEPHONE — TON — EXISTING WATER LINE — 646 — EXISTING GAS LINE - SURVEY BOUNDARY STORM WATER PRAINAGE COMPLIANCE WITH THE STANDARDS OF THE CACHE COUNTY MANUAL OF ROADWAY DESIGN AND CONSTRUCTION STANDARDS AND STATE OF UTM STORM MANUAL OF ROADWAY DESIGN AND CONSTRUCTION STANDARDS AND STATE OF UTM STORM LEVEL OF STORM WATER BRANCE FROM ANY PORTON OF ANY LOT OR REMANDER PARCEL OF THIS SUBDIVISION TO ANY ADJACENT PROPERTIES, DITCHES, CANALS, OR WATERWAYS, OR WAITERWAYS, OR WATERWAYS, OR THE STATE WATER WATER OFFICE.) OR THE STATE WATER BENSHERS OFFICE.) PROPOSED LOT BOUNDARY SECTION LINE ---- DEED LINE - - w res - - EXISTING UG POWER ---- SURVEY/SUBDIVISION BY OTHERS EXISTING ASPHALT ROAD ---- STREET RIGHT OF WAY LINE ---- STREET CENTERLINE =========== EXISTING PIPE AS NOTED XXXXX EXISTING FENCE SUBSTANCES SESTIFICATE OF THROATS OFFICE SESSION CENTRY THAT I AM A LICENSED LAND SURVEYOR, LICENSE MAMERE ROSSESS, IN ACCORDANCE WITH TITLE SO, HAPPER 22, PROFESSIONAL ENORMERS AND LAND SURVEYORS LICENSING ACT OF THE STATE OF UTAM. I FURTHER CENTRY THAT BY PROPERTY SHOWN ON THIS FALT IN ACCORDANCE WITH SECTION 17.24-1, HAVE VERFIED ALL MEASUREMENTS AND PLACED MONLMENTS ARR PEPERSINTED ON THIS PLAT IN ACCORDANCE WITH SECTION 17.24-1, HAVE VERFIED ALL MEASUREMENTS AND PLACED MONLMENTS ARR PEPERSINTED ON THIS PLAT IN ACCORDANCE WITH SECTION 17.24-1, HAVE VERFIED ALL MEASUREMENTS AND PLACED MONLMENTS ARR PEPERSINTED ON THIS PLAT. C. AGRICULTURAL USES: CURRENT AND FUTURE PROPERTY OWNERS MUST BE AWARE THAT THEY WILL BE SUBJECT TO THE SIGHTS, SOUNDS, AND SMELLS ASSOCIATED WITH AGRICULTURAL ACTIVITIES WHICH ARE PERMITTED USES IN THE AGRICULTURAL ZONE AND FOREST RECREATION ZONE. ----- PROPOSED GRAVEL ROAD (590 \_\_\_\_\_ EXISTING MAJOR CONTOUR (10' INTERVAL) — — PROPOSED SET BACK EXISTING MINOR CONTOUR (2' INTERVAL) SECTION MONUMENT AS NOTED REBAR & CAP MARKED 5152661 (NIELSEN) EXISTING STORM DRAIN EXISTING STORM DRAIN EXISTING FIRE HYDRANT SET REBAR & CAP MARKED TORGERSEN ENG. M EXISTING WATER VALVE OWNER / DEVELOPER



RONALD L. & DAINA W. ZOLLINGER

### PRELIMINARY PLAT FOR ZOLLINGER SOUTH SUBDIVISION

CACHE COUNTY, UTAH
N1/2 SW1/4 & NW1/4 SE1/4 OF SECTION 2, TOWNSHIP 11 NORTH, RANGE 1 EAST, SLB&M

# REVISION BY CHKD D	ATE

DESIGN BY: GTT
DRAWING BY: RJB
CHECKED BY: RKT DATE: 2/16/2022

SHEET\_#2 SCALE:1"=30' DWG.#20318



### **Development Services Department**

Building | GIS | Planning & Zoning

### **Staff Report:** Christy Farm Rezone

7 April 2022

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

**Agent:** Aaron Christy **Parcel ID#:** 11-033-0013

**Staff Recommendation:** Approval **Type of Action:** Legislative

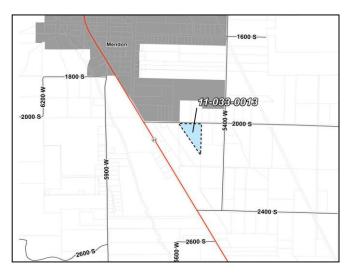
Land Use Authority: Cache County Council

**Location** Reviewed by Angie Zetterquist

Project Address: Acres: 7.41 Surrounding Uses: 5560 West 2000 South North Residential

5560 West 2000 South North – Residential Mendon South – Agricultural

Current Zoning:Proposed Zoning:East – AgriculturalAgricultural (A10)Rural 2 (RU2)West – Residential





### **Findings of Fact**

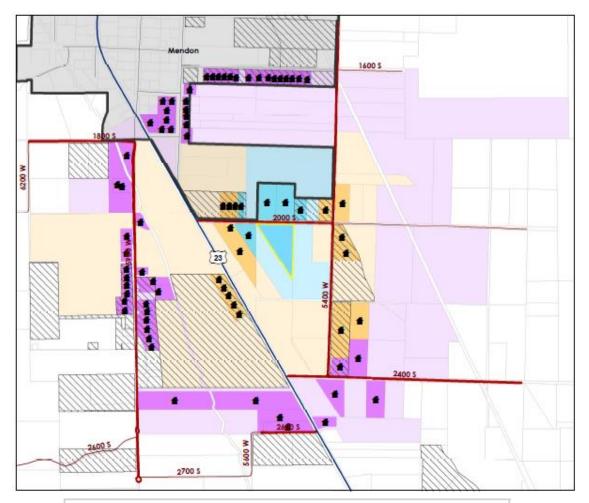
### A. Request description

- 1. A request to rezone 7.41 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone.
- **2.** This rezone may allow the parcel to be legally divided into a maximum of 3 separate lots as part of a subdivision process.
- **3.** Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text:

7 April 2022 1 of 5

### **a.** Land Use Context:

- i. Parcel status: The subject property is legal as it is in the same size and configuration as August 8, 2006. Under the current density requirements of the Agricultural (A10) Zone, the subject property cannot be further divided.
- ii. Average Lot Size: (See Attachment A)



	Average Parcel Size
	With a Home: 3.9 Acres (4 Parcels)
Adjacent	With a Home in Mendon City: 1.15 Acres (1 Parcel)
Parcels	Without a Home: 6.4 Acres (5 Parcels)
	Without a Home in Mendon City: 15.1 Acres (2 Parcels)
	With a Home: 2.9 Acres (17 Parcels)
1/4 Mile	With a Home in Mendon City: 1.2 Acres (4 Parcels)
Buffer	Without a Home: 13 Acres (23 Parcels)
	Without a Home in Mendon City: 9.8 Acres (6 Parcels)
	With a Home: 2.8 Acres (47 Parcels)
1/2 Mile	With a Home in Mendon City: 0.8 Acres (32 Parcels)
Buffer	Without a Home: 11 Acres (60 Parcels)
	Without a Home in Mendon City: 5.2 Acres (13 Parcels)

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The proposed RU2 zone allows a maximum density of 1 lot for every 2 acres, whereas the current A10 zone allows a maximum density of 1 lot for every 10 acres. With approximately 7.41 acres of property, the subject property cannot be further divided under the current A10 Zone standards. A rezone to RU2 may allow up to 3 buildable lots.

- **iii.** Schedule of Zoning Uses: Under the current County Land Use Ordinance, the RU2 Zone is more restrictive in the uses allowed when compared to the Agricultural (A10) Zone. There are no uses that are allowed as a permitted or conditional use within the RU2 Zone that are not allowed as a permitted or conditional use within the A10 Zone. The following uses are conditional uses in the A10 Zone but are not allowed in the RU2 Zone:
  - Agricultural Manufacturing
  - Recreational Facility
  - Cemetery
  - Private Airport
  - Concentrated Animal Feed Operation
  - Livestock Auction Facility
  - Topsoil Extraction
- **iv.** Adjacent uses: The properties adjacent to the subject rezone are primarily used for agriculture and single family dwellings and the boundary of Mendon City is north of the subject property divided by the road and one residential lot.
- v. Annexation Areas: The subject property is located within the Mendon City future annexation area. Mendon City was notified of the rezone request, but has not commented on the request at this time.
- vi. Zone Placement: As identified by the Planning Commission and the County Council at the time the RU2 Zone was adopted, the intended/anticipated placement of this zone was in areas of the unincorporated county adjacent to municipalities. The Mendon City boundary is immediately north of the subject property and separated by a single parcel to the west.

The nearest RU2 zone is immediately north of the subject property. This RU2 Zone was approved as the Christy Rezone in June 2021, but a subdivision application has not been submitted. The next closest RU2 zone is north and east of the subject property. This RU2 zone was approved as the Mountain View Meadow Rezone in November 2018. The rezone was for a 6.29 acre parcel located on 2000 South, a maintained County road that required minimal improvements when the 3-lot subdivision was approved in February 2019.

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

- **4.** As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
- 5. The current County Land Use Ordinance does not specify appropriate locations for the Rural 2 (RU2) Zone but does contain possible guidelines for its implementation. County Land Use Ordinance §17.08.030 [B] [1] identifies the purpose of the RU2 Zone and includes the following:
  - **a.** "To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede

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- adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.
- **b.** To implement the policies of the Cache Countywide Comprehensive Plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipal standards.
- **c.** This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services."
- **6.** Consideration of impacts related to uses allowed within the RU2 Zone will be addressed as part of each respective approval process required prior to site development activities.

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

- 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 RU2 Zone is 90 feet.
- **9.** §17.07.040 General Definitions Lot/Parcel Frontage: that portion of a development site that abuts a public or private roadway. For the purposes of determining setback requirements on corner lots, all sides of a lot adjacent to a roadway shall be considered frontage
- **10.** §16.04.040 [A] Roads All roads must be designed and constructed in accordance with Title 12 of the County Code.
- **11.** §12.02.010 Roadway Standards Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
- **12.** §16.04.080 [E] Roads and Access A basic road review is required and must consider:
  - **a.** The layout of proposed roads;
  - **b.** An analysis of existing roadway compliance with the Road Manual requirements;
  - **c.** Existing maintenance;
  - **d.** And any additional impacts to the proposed development access roads.

### **13.** The Road Manual specifies the following:

- **a.** Local Roads Local roads are roads whose primary function is to provide access to residences, farms, businesses, or other properties that abut the road, rather than to serve through traffic. Although some through traffic may occasionally use a local road, through traffic service is not the primary purpose of local roads. For purposes of design and construction standards, local roads are subdivided into Major Local (ML) and Minor Local (L) roads.
- **b.** §2.1 Roadway Functional Classification Major Local Road (ML): Major local roads serve a dual function of providing access to properties that abut the road as well as providing through or connection service between higher road classification facilities. Major local roads may have significant local continuity and may operate at relatively high speeds. Because of the possibility of through traffic, a meaningful segment of traffic on major local roads may include drivers who are unfamiliar with the roads. Traffic on major local roads is largely composed of passenger vehicles or other smaller vehicle types. Where a significant proportion traffic is trucks or other heavy vehicles, additional design consideration will be required, almost exclusively to provide access to properties adjacent to the road.
- **c.** Table B-6 Typical Cross Section Minimum Standards: Major local roads must meet the minimum standard of a 66-foot right-of-way, two 10-foot wide paved travel lanes with 6-foot wide shoulders (2 feet paved, 4 feet gravel): 14-inches depth of granular borrow, a 6-inches depth of untreated base course, and 3 inches of bituminous surface course (asphalt).

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- **a.** Table B-8 Typical Cross Section Structural Values: The minimum structural composition for major local roads requires 14" depth of granular borrow, 6" depth of road base, and 3" depth of asphalt.
- **14.** A basic review of the access to the subject property identifies the following:
  - **a.** Primary access to the subject properties is from 2000 South, a County road.

### **15.** 2000 South:

- **a.** Is an existing county facility that provides access to multiple dwellings, agricultural uses, vacant lots, and provides through access from SR-23 to 5400 West.
- **b.** Is classified as a Major Local Road.
- **c.** Consists of an average width of 22 feet with a paved surface.
- **d.** Is maintained year round by the County.

### **D. Service Provisions:**

- **16.** §16.04.080 [C] Fire Control The County Fire District had no comments on the rezone. Future access must be reevaluated and may require improvements based on the location of any proposed structure on lots created through a subdivision process.
- **17.** §16.04.080 [F] Solid Waste Disposal Logan City Environmental provides refuse collection in this area, but had no comments on the rezone request.

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

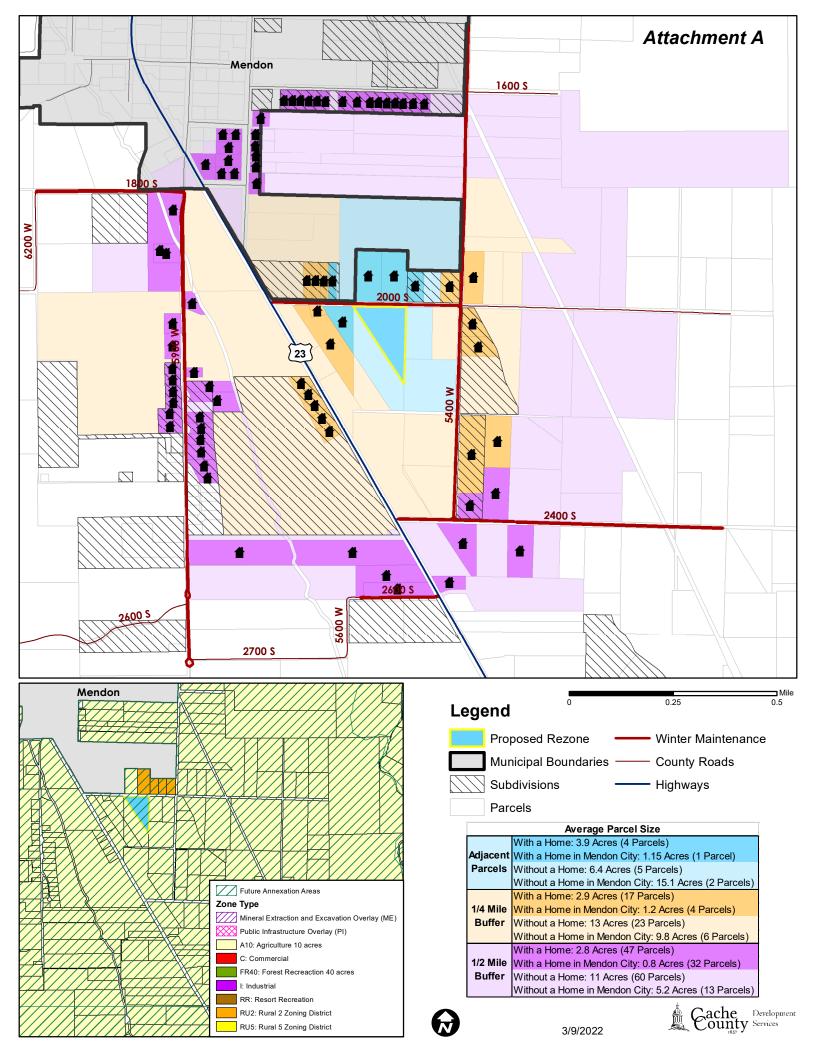
- 18. Public notice was posted online to the Utah Public Notice Website on 21 March 2022.
- **19.** Notices were posted in three public places on 21 March 2022.
- **20.** Notices were mailed to all property owners within 300 feet and Mendon City on 18 March 2022.
- **21.** At this time, no written public comment regarding this proposal has been received by the Development Services Office.

### **Recommendation & Conclusion**

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

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

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### **Development Services Department**

Building | GIS | Planning & Zoning

### **Staff Report:** Mt. Naomi U-Pick CUP

7 April 2022

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

Agent: Keith Meikle Parcel ID#: 04-002-0005

**Staff Determination:** Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

### Location

Reviewed by Angie Zetterquist

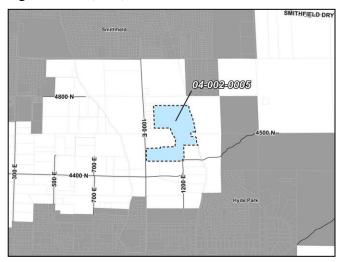
### **Project Address:**

~4500 North 1200 East

near Hyde Park

**Current Zoning:** Acres: 7.10 of 49.9 acres

Agricultural (A10) Zone



### **Surrounding Uses:**

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



### **Findings of Fact**

### A. Request description

- **1.** The Mt. Naomi Farms U-Pick Conditional Use Permit (CUP) is a request to operate an agritourism business (Use Type 6140) on 7.10 acres of a 49.9-acre parcel (Attachment A) located in the Agricultural (A10) Zone.
- 2. Per the Letter of Intent (Attachment B), the applicant is proposing to operate a "pick your own produce farm". *See condition #1 & #2* 
  - a. Construction
    - **i.** An existing 12-foot by 12-foot storefront on the subject property will be used for storage, weighing, and purchasing of fruit.
    - ii. An inspector from the Cache County Building Department visited the existing structure and determined based on the limited usage, lack of power, and square footage less than

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- 250 square feet, that the structure qualifies as a "produce stand" and does not require a building permit or inspections.
- iii. Outside the existing structure will be an 8-foot by 12-foot patio area.
- iv. Proposed signage includes temporary banners notifying public of available fruit to pick.

### **b.** Operation

- **i.** Per the Letter of Intent, the u-pick facility will operate no more than 2.5 months per year during August, September, and a portion of October depending on fruit ripening and frost dates.
- **ii.** Hours of operation will be Monday through Thursday from 7:30 AM to Noon. These hours of operation do not conflict with another approved CUP on an adjacent property, which operates on the weekends and week day afternoons.
- **iii.** There will be two part-time employees who do not reside on the property.
- **iv.** Equipment used as part of the operation is limited to wagons for the public's use to gather produce. Farm equipment used to maintain the fields will not be used when the facility is open to the public.
- v. Parking for the u-pick facility is available in the existing 74-stall area constructed for the other approved CUP on an adjacent property (i.e., The Vineyards at Mt. Naomi Farms CUP). As the hours of operation for each facility are staggered, there will be no conflict with availability for parking and the parking facility has ample spaces to accommodate the u-pick facility. The applicant anticipates the u-pick facility to generate no more 35 vehicles per day.

### **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

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(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.
- 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 Mt. Naomi Farms U-Pick CUP Letter of Intent are proposed to occur on the subject property. Guests will access the parking area and the property via a private road accessed off of 1000 East. Road improvements and infrastructure needed for the proposed CUP were installed as part of the other CUP on the adjacent property (i.e., The Vineyards at Mt. Naomi Farms CUP). As the proposed use will have minor impacts, no new road or access improvements are required. 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.

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### 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.** §12.02.010 adopts the Manual of Roadway Design and Construction Standards (Road Manual) for roadway improvement requirements.
- **15.** 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 a 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
- **16.** Access to the proposed CUP is from 1000 East, a County facility, and a private road, ~4500 North.
  - **a.** 1000 East:
    - i. Is a County road classified as a Major Collector Road.
    - ii. Provides through access between Smithfield and Hyde Park.
    - iii. Consists of an average 20-foot wide paved width.
    - iv. Is considered substandard as to paved and gravel shoulders.
    - v. The County Engineer has determined that there are no additional impacts will be created from the proposed u-pick facility. The road improvements and infrastructure required for The Vineyards at Mt. Naomi Farms CUP, including the construction of the private road and parking areas, are sufficient to accommodate the proposed use.

### **17.** 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. A parking analysis was submitted as part of The Vineyards at Mt. Naomi Farms CUP. That analysis was reviewed, approved, and a 74-stall parking area constructed for that facility, which will accommodate the proposed CUP. No additional parking analysis is required.
- **18.** Refuse: Logan City Environmental Department, Solid Waste Collection, reviewed the proposed use and currently provides services to the subject property.

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**19.** Fire: §16.04.080 [C] Fire Control – The County Fire District visited the site and reviewed the Letter of Intent and has no comments regarding the proposed use.

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

- **20.** Utah Code Annotated §17-27a-506, Conditional uses, item 2-a specifies that "A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards."
- **21.** The County Land Use Ordinance stipulates that:
  - **a.** Reasonably anticipated detrimental effects of the proposed conditional use must be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards.
  - **b.** Examples of potential negative impacts include but are not limited to odor, vibration, light, dust, smoke, noise, impacts on sensitive areas as defined by the Code, and/or disruption of agricultural practices.
- **22.** Known or reasonably anticipated detrimental effects of the use are as follows:
  - **a.** Traffic and parking: 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 proposed facility is access by a private road off of 1000 East, a County Road. Road improvements and the construction of the private road and parking areas were completed as part of an existing, approved CUP on the adjacent property and will accommodate traffic and parking associated with the u-pick facility.

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

- 23. Public notice was posted online to the Utah Public Notice Website on 21 March 2022.
- **24.** Notices were posted in three public places on 21 March 2022.
- **25.** Notices were mailed to all property owners within 300 feet of the subject property on 18 March 2022.
- **26.** 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 recording the permit, a written legal description of the CUP boundary must be submitted to the Development Services Office. (A-2)

### **Conclusions**

Based on the findings of fact and conditions noted herein, staff recommends approval of the Mt. Naomi Farms U-Pick Conditional Use Permit as:

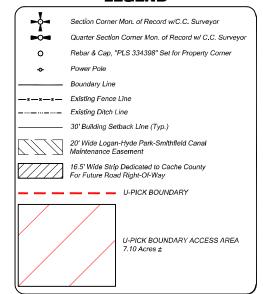
- 1. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Land Use Ordinance, and; (See C, D, E, F)
- **2.** As per §17.02.060, Establishment of Land Use Authority, the Planning Commission is authorized to act as the Land Use Authority for this CUP request. (*See C-5*)

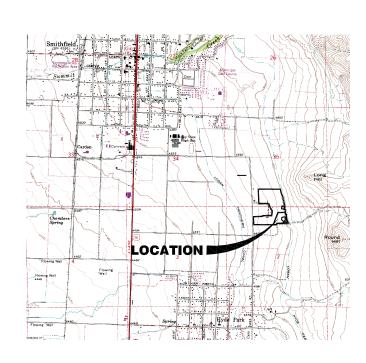
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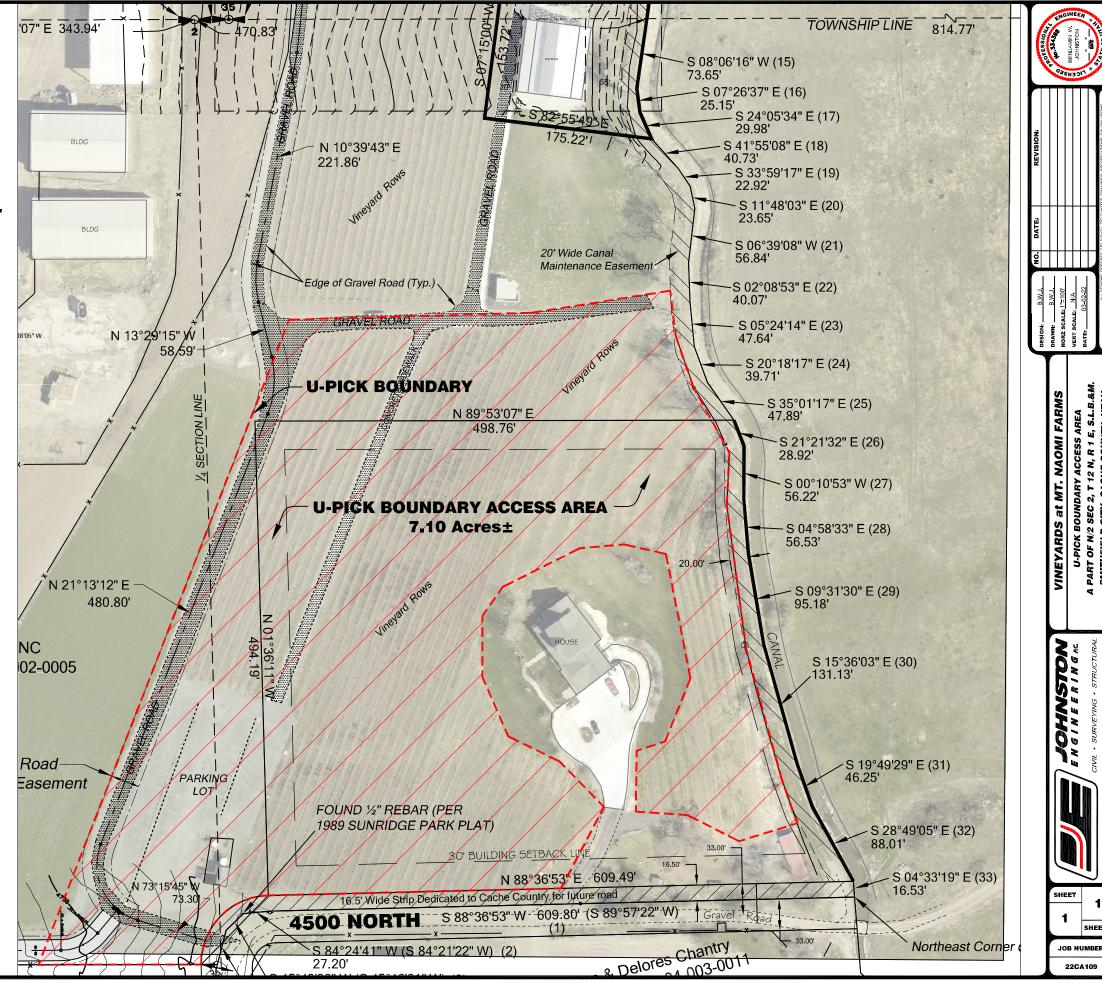


### Mt. NAOMI FARMS A PART OF N/2 SEC 2, T 12 N, R 1 E, S.L.B.&M. SMITHFIELD CITY, CACHE COUNTY, UTAH

### LEGEND







### Attachment B

Mt Naomi Farms, LLC Letter of Intent for Existing U-Pick

### 1. Proposed Use:

- a. Mt Naomi Farms, LLC is seeking Conditional Use for an existing pick your own produce farm. The storefront is a 12'x12' Sturdy built shed with an 8'x12' patio area. Please see attached elevations. Since the point of sale is utilized no more than 2.5 months of the year, it is defined as a fruit stand and does not need to be inspected according to Brian Abbott. He performed a site visit on January 4, 2022.
  - i. The function of the farm stand is used for storage, weighing, and purchasing of fruit.
  - ii. Since the U-Pick is defined as a fruit stand under the months of usage, a business license is not required.
- b. Number of Employees. There are two part-time employees who do not reside on the property.
- c. Hours of Operation: The hours of operation are Monday through Thursday 7:30 A.M. until noon during the months of August, September and sometimes mid-October depending on fruit ripening and frost dates. The hours of operation for the current venue CUP are on the weekends and afternoons. There is no overlap of hours.
- d. Traffic and Parking. Two employees and under 35 intermittent vehicles per day.
  - i. Parking is currently available in our 74+ stall parking lot adjacent to the store front which is accessed from our engineered private road.
  - ii. Deliveries are made to Mt. Naomi Farm's conventional workplace.
- e. Signage. Customary temporary banners notifying the public that fruit is available. See attached brochure.
- f. Equipment. Wagons are available for the customer's use. Any farm-related machinery is not in use while the public is present.
- g. Waste and/or garbage. Waste will be disposed of in the traditional way using a garbage can located on-premises, then hauled to a garbage can and taken by Logan Waste Dept. to a land fill.
- 2. See attached plan
- 3. New construction is not proposed.

