

5:00 p.m.

Workshop & dinner served in the County Council Conference Room

5:30 p.m.

Call to order

Opening remarks/Pledge – Lane Parker

Review and approval of agenda

Review and approval of the minutes of the 2 June 2022 meeting

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

1. **Stuart Minor Subdivision** – A request to create a 1-lot subdivision with an agricultural remainder on 15.42 acres located at 3650 West 6100 South, near Wellsville, in the Agricultural (A10) Zone.

Regular Action Items

2. **Discussion:** Consideration of a request by the Countywide Planner to schedule a special meeting in July 2022 for the Planning Commission to review the draft General Plan prior to the next meeting on August 4, 2022, where the item will be scheduled for a public hearing and to forward a recommendation to the County Council.
3. **Public Hearing (5:40 pm): William Cody Pitcher Rezone** – A request to rezone 16.13 acres located at 7288 West 4800 West, near Amalga, from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone. A rezone to RU5 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.
4. **Public Hearing (5:55 pm): Martin Bench Rezone** – A request to rezone 34.06 acres located at 1032 South 7000 West, near Mendon, from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone. A rezone to RU5 Zone would allow for a maximum potential of ~5 buildable lots for single family residential (due to presence of sensitive areas), whereas the existing A10 Zone allows for a maximum of 2 buildable lots.
5. **Public Hearing (6:10 pm): Winnies Properties Rezone** – A request to rezone 35.2 acres in an existing 2-lot subdivision located at 970 South 200 East, Wellsville, from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone. A rezone to RU2 Zone would allow for a maximum potential of 17 buildable lots for single family residential, whereas the existing A10 Zone allows for a maximum of 3 buildable lots
6. **Public Hearing (6:25 pm): Amending 17.07.030: Use Related Definition** – 5810 Private Airport.

7. **Public Hearing (6:35 pm):** Amending 17.07.030: Use Related Definitions – 4100 Recreational Facility; 17.09.030: Schedule of Zoning Uses by Zoning District – 4100 Recreational Facility.
8. **Hollow Ridge RV Campground Conditional Use Permit** – A remand from the Board of Adjustments requiring further action for a previously approved conditional use permit to operate a recreational facility (i.e., RV campground) located at ~1400 East 300 South, near Smithfield, in the Agricultural (A10) Zone.
9. **Discussion:** Monticello Meadows Subdivision
10. **Discussion:** Floodplain Setback distance
11. **Discussion:** Cherry Peak Ski Area CUP 4th Amendment
12. **Discussion:** The review and amendment of Title 17.07.030 Use Related Definitions and Title 17.07.040 General Definitions including but not limited to uses and definitions related to the following uses:
 - 6400 Mineral Extraction
 - 6410 Topsoil Extraction
 - 6420 Site Grading

Board Member Reports

Staff reports

Adjourn

Public Participation Guide: Planning Commission

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

When Speaking on an Agenda Item

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

When it is your turn to speak:

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

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

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

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

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

Limits of Jurisdiction

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



Planning Commission Minutes

2 June 2022

Item

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Regular Action Items

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Present: Chris Harrild, Tim Watkins, Brady Christensen, Chris Sands, Melinda Lee, Brandon Spackman, Nolan Gunnell, Taylor Sorensen, Megan Izatt

1 **Start Time: 05:32:00 pm**

2 **Sands** called the meeting to order and **Spackman** gave the opening remarks.

3 **05:33:00 pm**

4 **Agenda**

5 **Adopted as presented.**

6 **05:34:00 pm**

7 **Minutes**

8 **Minutes from May 5, 2022 adopted with no changes.**

9 **05:34:00 pm**

10 **Consent Items**

11 **#1 Cutler**

12 ***Lee** motioned to approve the consent agenda with the 1 conclusion and 7 conditions; **Daug** seconded;*
13 ***Passed 5, 0.***

14 **05:35:00 pm**

15 **Regular Action Items**

16 **#2 Public Hearing (5:35 pm): Veibell Rezone**

17 **Watkins** reviewed the staff report for the Veibell Rezone.

18 **Staff** and **Commissioners** discussed the parcel configuration, and the existing business that is an existing
19 non-conforming use due to a code change.

20 **05:46:00 pm**

21 ***Spackman** motioned to open the public hearing for the Veibell Rezone; **Lee** seconded; **Passed 5, 0.***

22 **Craig Veibell** commented as the owner of the property on the history of the property and wanting to split
23 the home off and sell it.

24 **Watkins** commented the non-compliance of the CUP is due to the lot change.

25 **Sands** asked if Mr. Veibell's plan was to split the lot in two and just do a new east/west boundary.

1 **Mr. Veibell** commented they want to sell the home with about a ½ to ¾ of an acre and keep operating the
2 business on the remaining property.

3 **Duags** asked if a home could be built on the remaining acreage with the business.

4 **Mr. Veibell** commented he had no plans to build a home at this time.

5 **Staff** and **Commissioners** discussed that a home could not be built without rezoning the property, that
6 the lot with the business will be taxed as commercial, and the property that is restricted due to being in
7 the subdivision.

8 **Sorensen** commented on the legal non-conforming use of the property and if the business can continue to
9 operate and it can but cannot expand.

10 **05:58:00 pm**

11 *Lee motioned to close the public hearing for the Veibell Rezone; Spackman seconded; Passed 5, 0.*

12 **Sands** asked if Mr. Veibell if he planned to consolidate the lots.

13 **Mr. Veibell** commented he thought that was already done.

14 **Daug**s asked staff why it was nonconforming still.

15 **Watkins** commented that they didn't know at this time.

16 **Mr. Veibell** commented that he does want to clean up the boundary lines.

17 **Commissioners** discussed approving the rezone.

18 **Mr. Veibell** commented that they do not want to make any changes other than separating the home from
19 the business to be able to sell the house.

20 **Commissioners** discussed the potential development of the lot with the business.

21 *Daug*s motioned to recommend approval to the County Council for the Veibell Rezone with the 3 stated
22 conclusions; *Spackman* seconded; *Passed 5, 0.*

23 **06:00:00 pm**

24 **#3 Public Hearing (5:50 pm): Jershon Rezone**

25 **Watkins** reviewed the staff report for the Jershon Rezone.

26 **Christensen** disclosed that he does have business interests and knows the land owners but has no
27 financial stakes in this project.

28 **Staff** and **Commissioners** discussed access to the property.

29 **06:13:00 pm**

1 ***Daug**s motioned to open the public hearing for the Jerushon Rezone; **Lee** seconded; **Passed 5, 0.***

2 **Mark Cardall** commented as owner of the property on the rezone, access, and the need for homes in the
3 valley.

4 **Alan Lower** commented as the owner of Lower Foods that he has a large footprint so people don't
5 complain about his business, and that the water table is high in this area and is against the rezone.

6 **Mark Woodward** commented as the owner of Ritewood and owns property to the west and runs trucks
7 full of chicken manure and farm equipment on the road and is opposed to the rezone.

8 **Spackman** asked what the foreseeable problems could be that would negatively affect his business.

9 **Mr. Woodward** commented they haul raw chicken manure on this road and there have been complaints
10 about the smell, and possible problems with flies.

11 **Andrew Snarr** commented against the rezone due to water and wanting the 10 acre parcel requirement to
12 stay.

13 **Vern Fielding** commented as one of the listing agents for the property on the rezone being contiguous
14 and consistent with the surrounding parcel sizes and as an advocate for the owner's property rights.

15 **Troy Hatch** commented against the rezone due to water concerns and not wanting 5-6 homes when the
16 original number of homes agreed on was 3-4 when the work on property lines and right of ways was
17 discussed.

18 **06:27:00 pm**

19 ***Daug**s motioned to close the public hearing for the Jerushon Rezone; **Lee** seconded; **Passed 5, 0.***

20 **Commissioners** and **Staff** discussed the access road that would be built, impacts on the agricultural side,
21 and building when an existing use could cause problems.

22 ***Daug**s motioned to recommend approval to the County Council for the Jerushon Rezone based on the 1
23 conclusion; **Lee** seconded; **Failed 2, 2 (Christensen abstained).***

24 **06:38:00 pm**

25 **#4 Holyoak Airport Conditional Use Permit**

26 **Harrild** reviewed the staff review for the Holyoak Airport CUP.

27 **Gunnell** reminded the Commissioners' to not only consider the Holyoak's rights but the homeowner
28 whose home is in the runway protection zone (RPZ).

29 **Joe Chambers** commented as representation for the Holyoak's on the FAA advisory circular complexity
30 and County Staff not being trained for this issue, safety concerns being alleviated by requiring a right
31 hand take off and left hand landings, Staff's recommendation violates Utah Code § 17-27a-506(2), and
32 that the Commission has not reconsidered this item but has been looking to revoke it. He also commented

1 that information seems to be filtered through staff and there is not equal access to providing information
2 for the applicant.

3 **Daug**s asked about the new proposed flying pattern and it being approved by the FAA.

4 **Mr. Chambers** responded the FAA stated they would have a response sometime between May 18 and
5 July 1st. If the FAA agrees the master plan for the runway would be updated.

6 **Daug**s asked if it is denied if the problem still exists.

7 **Mr. Chambers** stated yes.

8 **Harrild** responded that even if the FAA agrees to the limitation it does not change the RPZ.

9 **Mr. Chambers** commented that the circular is silent on that issue.

10 **Harrild** commented that staff has contacted the FAA and it would be helpful for staff to address the
11 concerns raised.

12 **Mr. Chambers** commented that if staff has reached out to the FAA it has not been with the Holyoak's
13 included in that dialogue.

14 **Spackman** asked how the revocation would affect Ms. Holyoak and how many flights are happening
15 now.

16 **Mr. Chambers** responded very few flights are happening and Ms. Holyoak wants the CUP to be in
17 compliance.

18 **Spackman** asked if Ms. Holyoak would still be allowed to fly in the area and land without the CUP.

19 **Mr. Chambers** responded that temporary use for landing is not regulated by the FAA but the Holyoak's
20 want to be in compliance with the law.

21 **Rachel Holyoak** commented that currently use of the runway is not much but they would like to get an
22 aircraft that would allow them to use the runway on a more frequent basis. They want to be above board
23 so the neighbors are aware also and so that the Sheriff and the FAA aren't contacted every time they land
24 or takeoff.

25 **Laura Barras** commented representing the homeowners in the RPZ and as a neighbor to the property
26 that she feels at even more of a disadvantage to accessing the Commission to provide information and
27 read a letter from the Ruperts', the homeowners in the RPZ. The conditions of the CUP are not being met
28 and the safety concerns are many.

29 **Harrild** commented on Staff contacting the FAA, State Code for CUPs, Staff's role for the Commission
30 and sharing information to the Commission, and reviewed the County Ordinance in regards to the FAA
31 Circular.

32 **Sorensen** commented that federal law does not regulate private airports but left up to local
33 municipalities.

1 **Commissioners** gave their thoughts on the proposed revocation.

2 **Christensen** *motioned to revoke the Holyoak Airport Conditional Use Permit based on the requirements*
3 *of the County Land Use Code and that conditions of the Conditional Use Permit have not been met; Lee*
4 *seconded; Passed 5, 0.*

5 **07:41:00 pm**

6 **#5 Discussion**

7 **Harrild** reviewed the memorandum to amend the Use Related Definition, 5810 Private Airport.

8 **Commissioners** and **Staff** discussed sound report suggestion and how to enforce it.

9 **07:54:00 pm**

10 **#6 Discussion**

11 **Watkins** reviewed the information for RV parking sites for Agritourism and to remove campgrounds as a
12 recreational facility.

13 **Commissioners** and **Staff** discussed removing campgrounds as a recreational facility.

14 **08:07:00 pm**

15 **Adjourned**

Staff Report: Stuart Minor Subdivision

7 July 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: Brent Parker

Parcel ID#: 10-043-0003, -0026

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

Project Location

Reviewed by Angie Zetterquist

Project Address:

~3650 West 6100 South

Near Wellsville

Current Zoning:

Agricultural (A10)

Acres: 15.42

Surrounding Uses:

North – Agricultural/Residential

South – Agricultural

East – Agricultural

West – Agricultural/Residential



Findings of Fact

A. Request description

1. The Stuart Minor Subdivision is a request to create a 1-lot subdivision with an Agricultural Remainder on 15.3 acres in the Agricultural (A10) Zone.
 - a. Lot 1 will be 6.11 acres; and
 - b. The Agricultural Remainder will be 9.19 acres.

B. Parcel legality

2. The subject properties are restricted as they were divided without Land Use Authority in 2009. This subdivision approval will remove the restriction on both properties.

C. Authority

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

D. Culinary water, septic system, and storm water

4. §16.04.080 [A] Water Requirements – The applicant provided proof of approved domestic water right for the proposed subdivision (i.e., #25-11740).
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). 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 6100 South.
 - b. 6100 South:
 - i. Is an existing county facility that provides access to multiple dwellings, agricultural uses, vacant lots, and provides through access from Hwy 89/91 to 3200 West.
 - ii. Is classified as a Minor Local Road.
 - iii. Is paved and varies in width from 18 to 20 feet.
 - iv. Is considered substandard as to right-of-way, paved and gravel shoulder width, and clear zone. *See condition #3*
 - v. Is maintained year round by the County
 - vi. 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.
16. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental provides refuse service to this subdivision. Refuse containers must be placed 6100 South 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. *See condition #4 & #5*

G. Sensitive Areas

17. §17.08.040 General Definitions, Sensitive Area; §17.18 Sensitive Area
- a. 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 24 June 2022.
19. Notices were posted in three public places on 24 June 2022.
20. Notices were mailed to all property owners within 300 feet of the subject property on 24 June 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:

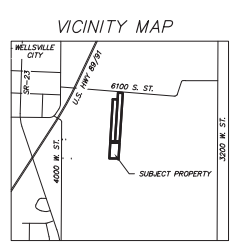
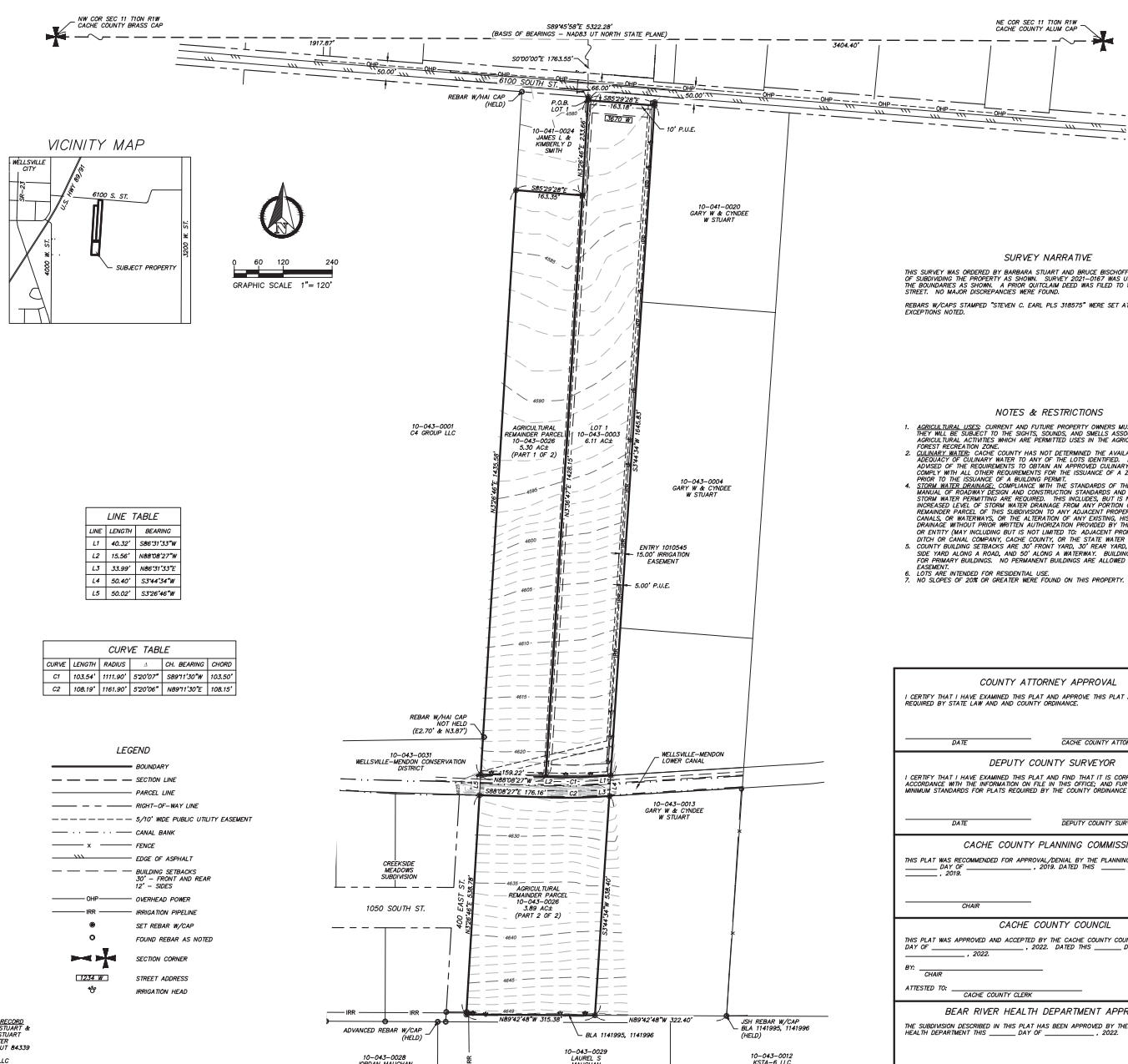
1. The subdivision must meet current state and local stormwater standards. As no new roads are being proposed as part of the subdivision, the note on the plat is sufficient for this subdivision. Prior to issuance of a zoning clearance, additional stormwater analysis and infrastructure may be required depending on the location of future development. (*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 improve 6100 South along the frontage of the subdivision to the Minor Local Road standard of the County Road Manual. 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. (*See E-14-b-iv*)
4. Encroachment permits are required for work in the County right-of-way including road improvements, driveway access, and improving the shoulder area for solid waste collection. Encroachment permits are issued from the Public Works Department and must be submitted, reviewed, and approved prior to any work being done in the right-of-way. (*See E-14-b-iv, -vi, F-16*)
5. Prior to recording the plat, the applicant must improve the shoulder in the County right-of-way to meet the standards for refuse collection. The applicant must provide a copy of the encroachment permit and final approval for the required improvements to the Development Services Office. (*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. (*See G-17-a*)

Conclusions

Based on the findings of fact and conditions noted herein, staff recommends approval of the Stuart Minor 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.

STUART MINOR SUBDIVISION
PART OF SW 1/4 & NW 1/4 SEC. 11, T10N, R10W, SLM
CACHE COUNTY, UTAH



LINE TABLE			
LINE	LENGTH	BEARING	
L1	40.32'	S86°31'33"W	
L2	15.56'	N88°08'23"W	
L3	33.99'	N86°31'33"E	
L4	50.40'	S3°44'34"W	
L5	50.02'	S3°26'46"W	

CURVE TABLE				
CURVE	LENGTH	RADIUS	Δ	CH. BEARING
C1	103.54'	1111.90'	52°07'01"	S89°11'30"W 103.50'
C2	108.19'	1161.90'	52°08'04"	N89°11'30"E 108.15'

- LEGEND**
- BOUNDARY
 - SECTION LINE
 - PARCEL LINE
 - RIGHT-OF-WAY LINE
 - 5/10' WIDE PUBLIC UTILITY EASEMENT
 - CANAL BANK
 - FENCE
 - EDGE OF ASPHALT
 - BUILDING SETBACKS
 - 30' - FRONT AND REAR
 - 12' - SIDES
 - DHP - OVERHEAD POWER
 - IRR - IRRIGATION PIPELINE
 - SET REBAR W/CAP
 - FOUND REBAR AS NOTED
 - SECTION CORNER
 - STREET ADDRESS
 - IRRIGATION HEAD

OWNERS OF RECORD
EDWARD C. STUART &
SONDRA J. STUART
562 S. CENTER
WELLSVILLE, UT 84339

KEY PARK, LLC
4907 S. 12TH AVE
OMAHA, NE 68135-3438

SURVEY NARRATIVE

THIS SURVEY WAS ORDERED BY BARBARA STUART AND BRUCE BISCHOFF FOR THE PURPOSE OF SUBDIVIDING THE PROPERTY AS SHOWN. SURVEY 2021-017 WAS USED TO ESTABLISH THE BOUNDARIES AS SHOWN. A PRIOR QUILTCAM DEED WAS FILED TO WIDEN 6100 SOUTH STREET. NO MAJOR DISCREPANCIES WERE FOUND.

REBAR W/CAPS STAMPED "STEVEN C. EARL PLS 318075" WERE SET AT ALL CORNERS. EXCEPTIONS NOTED.

NOTES & RESTRICTIONS

- AGRICULTURAL USES, CURRENT AND FUTURE PROPERTY OWNERS MUST BE AWARE THAT THEY WILL BE SUBJECT TO THE SIGHTS, SOUNDS, AND SMELLS ASSOCIATED WITH AGRICULTURAL ACTIVITIES WHICH ARE PERMITTED USES IN THE AGRICULTURAL ZONE AND FOREST RECREATION ZONE.
- CULINARY WATER: CACHE COUNTY HAS NOT DETERMINED THE AVAILABILITY OR ADEQUACY OF CULINARY WATER TO ANY OF THE LOTS IDENTIFIED. ALL OWNERS ARE ADVISED OF THE REQUIREMENTS TO OBTAIN AN APPROVED CULINARY WATER SOURCE AND COMPLY WITH ALL OTHER REQUIREMENTS FOR THE ISSUANCE OF A ZONING CLEARANCE, PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- STORM WATER DRAINAGE: COMPLIANCE WITH THE STANDARDS OF THE CACHE COUNTY MANUAL OF ROADWAY DESIGN AND CONSTRUCTION STANDARDS AND STATE OF UTAH STORM WATER PERMITTING ARE REQUIRED. THIS INCLUDES, BUT IS NOT LIMITED TO, ANY INCREASED LEVELS OF STORM WATER DRAINAGE FROM ANY PORTION OF ANY LOT OR REMAINDER PARCEL OF THIS SUBDIVISION TO ANY ADJACENT PROPERTIES, DITCHES, EASEMENTS, OR WATERWAYS, OR THE ALTERATION OF ANY EXISTING, HISTORICAL, OR NATURAL DRAINAGE WITHOUT PRIOR WRITTEN AUTHORIZATION PROVIDED BY THE ERECTED PARTY OR ENTITY (DAY INCLUDING BUT NOT LIMITED TO ADJACENT PROPERTY OWNERS), DITCH OR CANAL COMPANY, CACHE COUNTY, OR THE STATE WATER ENGINEER'S OFFICE.
- COUNTY BUILDING SETBACKS ARE 30' FRONT YARD, 30' REAR YARD, 12' SIDE YARD, 30' SIDE YARD ALONG A ROAD, AND 20' ALONG A WATERWAY. BUILDING SETBACKS ARE FOR PRIMARY BUILDINGS. NO PERMANENT BUILDINGS ARE ALLOWED WITHIN ANY EASEMENT.
- LOTS ARE INTENDED FOR RESIDENTIAL USE.
- NO SLOPES OF 20% OR GREATER WERE FOUND ON THIS PROPERTY.

COUNTY ATTORNEY APPROVAL

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

DATE _____ CACHE COUNTY ATTORNEY _____

DEPUTY COUNTY SURVEYOR

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

DATE _____ DEPUTY COUNTY SURVEYOR _____

CACHE COUNTY PLANNING COMMISSION

THIS PLAT WAS RECOMMENDED FOR APPROVAL/REVIEW BY THE PLANNING COMMISSION ON THE _____ DAY OF _____, 2019. DATED THIS _____ DAY OF _____, 2019.

CHAIR _____

CACHE COUNTY COUNCIL

THIS PLAT WAS APPROVED AND ACCEPTED BY THE CACHE COUNTY COUNCIL ON THE _____ DAY OF _____, 2022. DATED THIS _____ DAY OF _____, 2022.

BY: CHAIR _____
ATTESTED TO: _____
CACHE COUNTY CLERK

BEAR RIVER HEALTH DEPARTMENT APPROVAL

THE SUBDIVISION DESCRIBED IN THIS PLAT HAS BEEN APPROVED BY THE BEAR RIVER HEALTH DEPARTMENT THIS _____ DAY OF _____, 2022.

BY: _____ TITLE: _____

SURVEY CERTIFICATE

I, STEVEN C. EARL, A PROFESSIONAL LAND SURVEYOR, HOLD CERTIFICATE NO. 318075-2021, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND DO HEREBY CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT, WHICH IS ACCURATELY DESCRIBED HEREON, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, TOGETHER WITH EASEMENTS TO BE HEREINAFTER KNOWN AS "STUART MINOR SUBDIVISION," AND THAT THE SAME HAS BEEN SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

LEGAL DESCRIPTIONS

LOT 1:
PART OF THE WEST HALF OF SECTION 11, TOWNSHIP 10 NORTH, RANGE 1 WEST OF THE SALT LAKE MERIDIAN, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION THENCE S89°45'08"E 1917.87 FEET ALONG THE NORTH LINE OF SAID SECTION;
THENCE S02°00'00"E 1763.55 FEET TO THE POINT OF BEGINNING ON THE SOUTH LINE OF 6100 SOUTH STREET;
THENCE S89°28'16"E 163.18 FEET ALONG SAID STREET;
THENCE S34°14'34"W 1404.63 FEET TO THE NORTH RIGHT-OF-WAY LINE OF THE WELLSVILLE-MENDON LOWER CANAL;
THENCE THE FOLLOWING THREE COURSES ALONG SAID NORTH LINE:
1. S86°31'33"W 40.32 FEET;
2. WESTERLY 103.54 FEET ALONG A CURVE CONCAVE TO THE NORTH WITH A RADIUS OF 1111.90 FEET AND A LONG CHORD BEARING S89°11'30"W 103.50 FEET;
THENCE N33°46'48"E 233.66 FEET;
THENCE N33°46'48"E 1428.15 FEET;
THENCE N33°46'48"E 233.66 FEET TO THE POINT OF BEGINNING;
CONTAINING 6.11 ACRES MORE OR LESS.

AGRICULTURAL REMAINDER PARCEL:
PART OF THE WEST HALF OF SECTION 11, TOWNSHIP 10 NORTH, RANGE 1 WEST OF THE SALT LAKE MERIDIAN, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION THENCE S89°45'08"E 1917.87 FEET ALONG THE NORTH LINE OF SAID SECTION;
THENCE S02°00'00"E 1763.55 FEET TO THE SOUTH LINE OF 6100 SOUTH STREET;
THENCE S34°14'34"W 1404.63 FEET TO THE POINT OF BEGINNING;
THENCE S86°31'33"W 163.18 FEET ALONG SAID NORTH LINE;
THENCE N33°46'48"E 1435.58 FEET;
THENCE S33°46'48"E 233.66 FEET TO THE POINT OF BEGINNING;
THENCE S02°00'00"E 1763.55 FEET TO THE SOUTH LINE OF 6100 SOUTH STREET;
THENCE S34°14'34"W 1404.63 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF THE WELLSVILLE-MENDON LOWER CANAL, AND THE POINT OF BEGINNING;
THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING THREE COURSES:
1. S86°31'33"E 176.16 FEET;
2. EASTERLY 108.19 FEET ALONG A CURVE CONCAVE TO THE NORTH WITH A RADIUS OF 1161.90 FEET AND A LONG CHORD BEARING N89°11'30"E 108.15 FEET;
THENCE S34°14'34"W 238.40 FEET TO A LINE DESCRIBED BY THE BOUNDARY LINE AGREEMENT RECORDED IN ENTRIES 1141995 AND 1141996;
THENCE N89°42'48"W 315.39 FEET ALONG SAID AGREEMENT LINE;
THENCE N33°46'48"E 538.78 FEET TO THE POINT OF BEGINNING;
CONTAINING 9.19 ACRES, MORE OR LESS, IN TOTAL.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE TRACT OF LAND DEPICTED HEREON, CAUSE THE SAME TO BE SUBDIVIDED INTO LOTS, TOGETHER WITH EASEMENTS, TO BE HEREINAFTER KNOWN AS "STUART MINOR SUBDIVISION."

WE ALSO DEDICATE, GRANT, AND CONVEY TO ALL PUBLIC UTILITY AGENCIES, THEIR SUCCESSORS AND ASSIGNS, PERMANENT EASEMENT AND RIGHT-OF-WAY OVER, UNDER, ACROSS, AND THROUGH THOSE AREAS DESIGNATED ON THIS PLAT AS "PUBLIC UTILITY EASEMENTS" FOR THE CONSTRUCTION AND MAINTENANCE OF SUBTERRANEAN ELECTRICAL, TELEPHONE, NATURAL GAS, SEWER, WATER, AND DRAINAGE LINES AND APPURTENANCES, TOGETHER WITH THE RIGHT OF ACCESS THERETO, WHICH WOULD REQUIRE THAT NO SURFACE CONSTRUCTION BE ALLOWED WHICH WOULD INTERFERE WITH NORMAL UTILITY USE. IT IS UNDERSTOOD THAT IF IT BECOMES NECESSARY TO RELOCATE SAID UTILITIES AT THE INSTANCE OR REQUEST OF ANY PUBLIC UTILITY OR THE OWNER, THE COSTS AND EXPENSES INCURRED THEREBY WILL BE BORNE BY THE OWNER OF THE ENTITY REQUESTING OR REQUESTING THE SAME. FURTHERMORE, WE INCORPORATE THE NOTES AND RESTRICTIONS AS LISTED HEREON.

BY: THE EDWARD C. STUART AND SONDRA J. STUART REVOCABLE TRUST, DATED JUNE 23, 2004
BY: EDWARD C. STUART, TRUSTEE SONDRA J. STUART, TRUSTEE
BY: KEY FARM, LLC, A NEBRASKA LIMITED LIABILITY COMPANY
BY: BRUCE BISCHOFF, MANAGER

ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF CACHE
ON THIS _____ DAY OF _____, IN THE YEAR 2022, BEFORE ME,
A NOTARY PUBLIC, PERSONALLY APPEARED EDWARD C. STUART, AND SONDRA J. STUART, TRUSTEES OF THE EDWARD C. STUART AND SONDRA J. STUART REVOCABLE TRUST, DATED JUNE 23, 2004, PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO IN THIS DOCUMENT, AND ACKNOWLEDGED THAT THEY HAD THE CAPACITY TO SIGN IN BEHALF OF SAID TRUST AND THAT THEY SIGNED THIS DOCUMENT IN BEHALF OF SAID TRUST AND THAT SAID TRUST EXECUTED THE SAME.

NOTARY PUBLIC SIGNATURE: _____
NOTARY PUBLIC FULL NAME: _____
COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH
(A NOTARY SEAL NOT REQUIRED FOR UTAH CODE 46-1-16(1))

ACKNOWLEDGMENT

STATE OF NEBRASKA
COUNTY OF DOUGLAS
ON THIS _____ DAY OF _____, IN THE YEAR 2022, BEFORE ME,
A NOTARY PUBLIC, PERSONALLY APPEARED EDWARD C. STUART, AND SONDRA J. STUART, TRUSTEES OF THE EDWARD C. STUART AND SONDRA J. STUART REVOCABLE TRUST, DATED JUNE 23, 2004, PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO IN THIS DOCUMENT, AND ACKNOWLEDGED THAT THEY HAD THE CAPACITY TO SIGN IN BEHALF OF SAID TRUST AND THAT THEY SIGNED THIS DOCUMENT IN BEHALF OF SAID TRUST AND THAT SAID TRUST EXECUTED THE SAME.

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

COUNTY RECORDER'S NO. _____

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

INDEX FILED IN: FILE OF PLATS _____
DEVON ANDERSEN, COUNTY RECORDER

Staff Report: William Cody Pitcher Rezone

7 July 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: William Cody Pitcher

Parcel ID#: 13-017-0004

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Angie Zetterquist

Project Address:

7288 North 4800 West
Near Amalga

Acres: 16.13

Surrounding Uses:

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

Current Zoning:

Agricultural (A10)

Proposed Zoning:

Rural 5 (RU5)



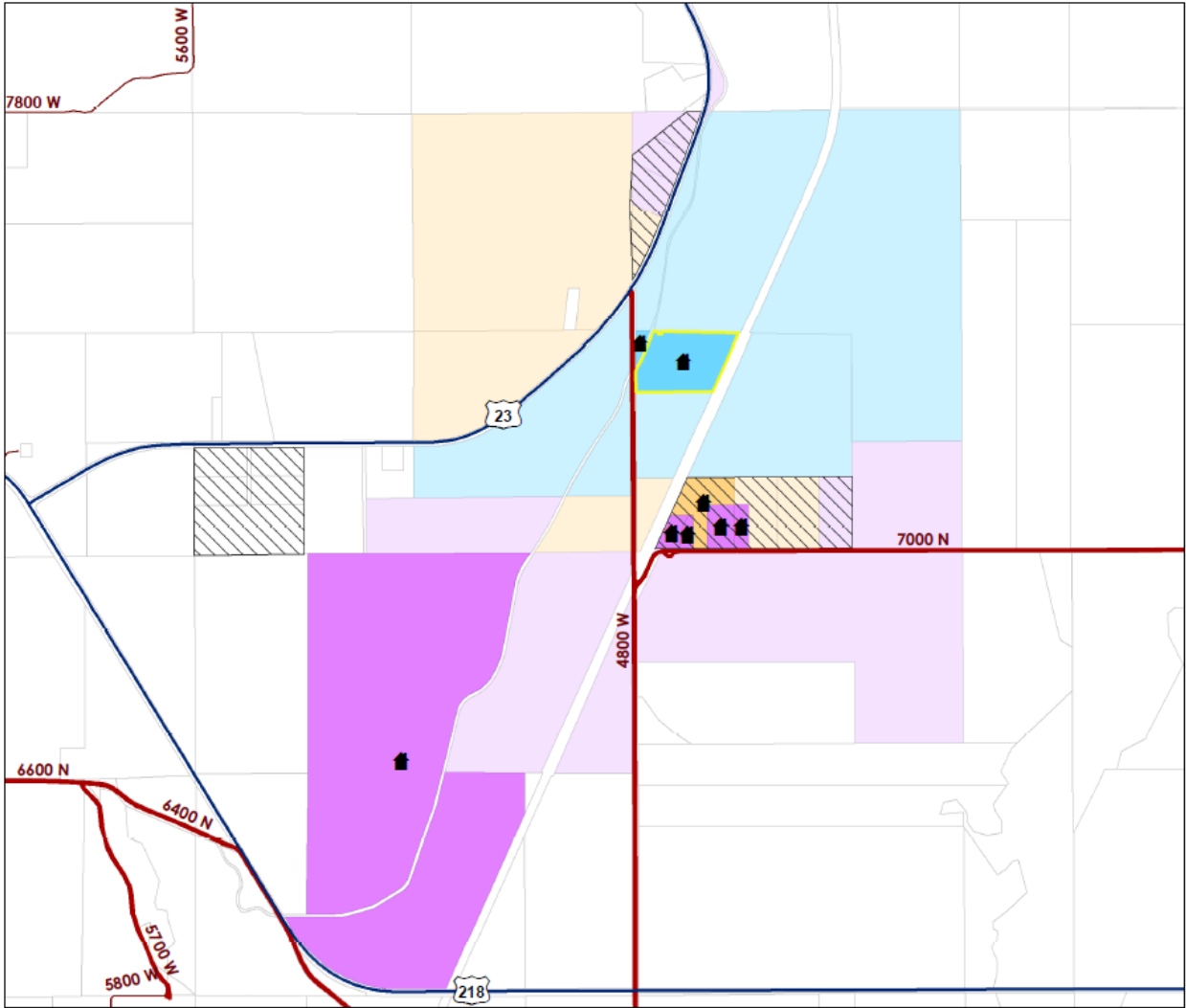
Findings of Fact

A. Request description

1. A request to rezone 16.13 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone.
2. This rezone may allow the parcel to be legally divided into a maximum potential of 3 separate lots as part of a subdivision process. The applicant intends to subdivide in a cluster configuration to continue farming the approximate 11-acre irrigated farmland on the east portion of the property.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text:

a. Land Use Context:

- i.** Parcel status: The subject property is not in the same size or configuration as it was on August 8, 2006 and is potentially restricted. According to the Recorder's Office information, a boundary line adjustment (BLA) was done with an adjacent property in April 2021. That BLA changed the configuration of the subject property, but it is a legal parcel as no divisions of property have occurred.
- ii.** Average Lot Size: (See Attachment A)



Average Parcel Size	
Adjacent Parcels	With a Home: 8.8 Acres (2 Parcels)
	Without a Home: 80.3 Acres (5 Parcels)
1/4 Mile Buffer	With a Home: 8.4 Acres (3 Parcels)
	Without a Home: 52.1 Acres (12 Parcels)
1/2 Mile Buffer	With a Home: 37.5 Acres (8 Parcels)
	Without a Home: 40.9 Acres (24 Parcels)

- iii. **Schedule of Zoning Uses:** Under the current County Land Use Ordinance, the RU5 Zone is more restrictive in the uses allowed when compared to the Agricultural (A10) Zone. There are no uses that are allowed as a permitted or conditional use within the RU5 Zone that are not allowed as a permitted or conditional use within the A10 Zone. The following uses are conditional uses in the A10 Zone but are not allowed in the RU5 Zone:
 - Agricultural Manufacturing
 - Recreational Facility
 - Cemetery
 - Private Airport
 - Concentrated Animal Feed Operation
 - Livestock Auction Facility
 - Topsoil Extraction
- iv. **Adjacent uses:** The properties adjacent to the subject rezone are primarily used for agriculture and a few single family dwellings. There is an approved 4-lot subdivision (i.e., 7200 North Subdivision) located immediately south of the subject property, but no homes have been constructed.
- v. **Annexation Areas:** The subject property is located within Amalga Town’s future annexation area. However, as the subject property is not immediately contiguous to the town boundary, a letter from the City was not required as part of the application submittal. However, Amalga was notified of the rezone request as part of the noticing process. At the time this report was prepared, staff has not received any comments from the town regarding this request.
- vi. **Zone Placement:** As identified by the Planning Commission and the County Council at the time the RU5 Zone was adopted, the intended/anticipated placement of this zone was in areas of the unincorporated county adjacent to municipalities. The closest boundary of Amalga Town is located approximately 2.4 miles east of the subject property. The nearest RU5 zone is southwest of the subject property approximately 2.6 miles away as the crow flies on the west side of Newton. This RU5 zone, the Cutler Valley Rezone, included a total of 65 acres and was approved in earlier this year as Ordinance 2022-12.

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

- 4. As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
- 5. The current County Land Use Ordinance does not specify appropriate locations for the Rural 5 (RU5) Zone but does contain possible guidelines for its implementation. County Land Use Ordinance §17.08.030 [B] [1] identifies the purpose of the RU5 Zone and includes the following:
 - a. “To allow for residential development in a low density pattern that can allow for rural subdivisions and smaller scale agricultural uses. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.
 - b. To implement the policies of the Cache Countywide Comprehensive Plan, including those regarding 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 RU5 Zone will be addressed as part of each respective approval process required prior to site development activities.

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

7. The Road Manual specifies the following:
8. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.
9. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
10. A basic review of the access to the subject property identifies the following:
11. Primary access to the subject properties is from 4800 West, a County road.
 - a. 4800 West:
 - i. Is an existing county facility that provides access to agricultural fields, farms, residential uses, and generally serves to provide through access from surrounding cities to SR-218 and SR-23.
 - ii. Is classified as a Minor Collector road.
 - iii. The road consists of a 20-foot-wide paved surface and the structural condition is in fair condition, but is substandard as to the Major Local Road standards for gravel shoulders and clear zones.
 - iv. Is maintained year around.
 - v. If a rezone is approved, access for any future subdivision lots is proposed to come off 7400 North, a private road. The applicant has provided a letter of approval from the property owner of the private road to allow access. (Attachment B)

D. Service Provisions:

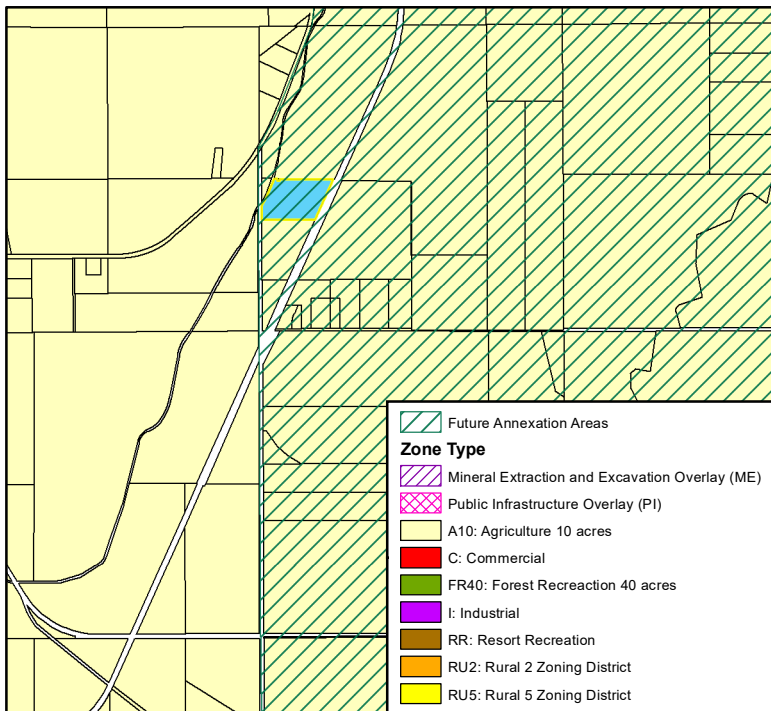
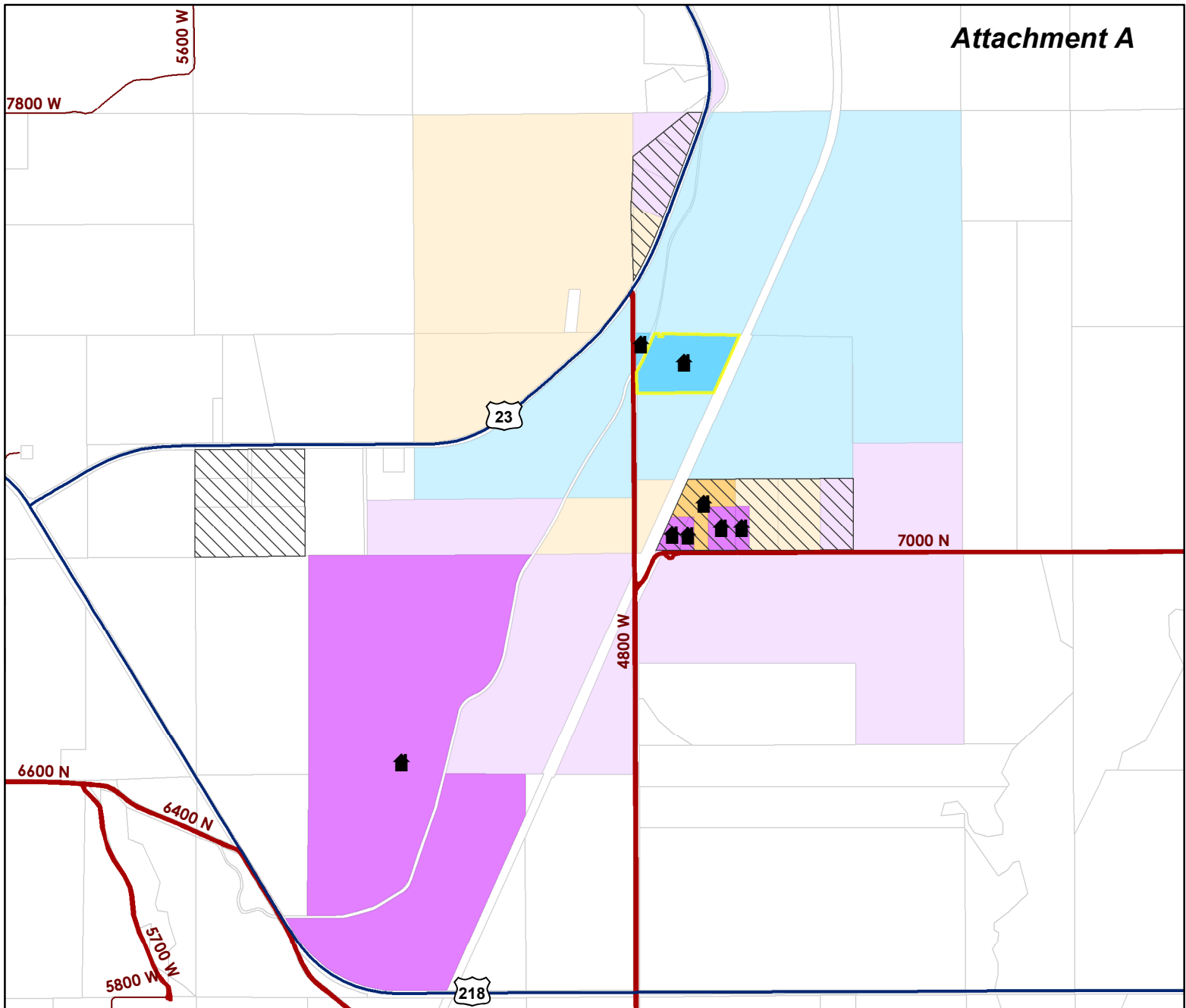
12. §16.04.080 [C] Fire Control – The County Fire District requires that all access roads and private driveways to be 20-feet wide with an all-weather surface. Future access must be reevaluated and may require improvements based on the location of any proposed structure on lots created through a subdivision process.
13. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental provides refuse collection for the subject property. Refuse containers must be placed on 4800 West for collection. The applicant will need to provide sufficient shoulder space along the road for all refuse containers to be placed 3-to-4 feet apart and be located far enough off the road so as to not interfere with passing traffic. A County Encroachment Permit is required to make the required shoulder improvements for refuse collection in the County right-of-way.

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

14. Public notice was posted online to the Utah Public Notice Website on 24 June 2022.
15. Notices were posted in three public places on 24 June 2022.
16. Notices were mailed to all property owners within 300 feet on 24 June 2022 and to Amalga Town on 28 June 2022.
17. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

Conclusion

The William Cody Pitcher Rezone, a request to rezone 16.13 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. Staff has not made a recommendation on this request and can assist the Planning Commission in drafting a recommendation based on the findings of fact identified above and any others identified at the public hearing.



Legend

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

0 0.25 0.5 Mile

Average Parcel Size

Adjacent Parcels	With a Home: 8.8 Acres (2 Parcels)
	Without a Home: 80.3 Acres (5 Parcels)
1/4 Mile Buffer	With a Home: 8.4 Acres (3 Parcels)
	Without a Home: 52.1 Acres (12 Parcels)
1/2 Mile Buffer	With a Home: 37.5 Acres (8 Parcels)
	Without a Home: 40.9 Acres (24 Parcels)



5/11/2022

June 20, 2022


Letter of Authorization

Subject: Road Access

To Whom It May Concern:

I, Stephen Griffin, president of West Hills Dairy Farm give permission for **Cody Pitcher** to use lane located at North 50 West, Smithfield, Utah.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Stephen Griffin', followed by the date '6/20/2022'.

Stephen Griffin, Owner/President

William Cody Pitcher Rezone

Option 1 – Recommend Approval

Planning Commission Conclusion

Based on the findings of fact noted herein, the William Cody Pitcher 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 5 (RU5) Zone as identified under §17.08.030[A] of the Cache County Code as it:
 - a.** Allows for residential development in a low density pattern that can allow for rural subdivisions and smaller scale agricultural uses.
 - b.** Does not unreasonably impede adjacent agricultural uses, nor unreasonably conflict with the development standards of adjacent communities.
 - c.** The property is appropriately served by a suitable public road, 4800 West, has access to necessary water and utilities, and adequate provision of public services.

Option 2 – Recommend Denial

Planning Commission Conclusion

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

- 1.** The location of the proposed rezone is not in close proximity to an adjacent municipality where a higher density development is more appropriate.
- 2.** The location of the proposed rezone on a minor collector would set a precedent for increased density and development along this corridor.
- 3.** The Cache County Comprehensive Plan does not specifically address the Rural 5 (RU5) Zone and does not make recommendations as to where the zone should be located. The County's new General Plan update must be adopted to provide the necessary direction on where density could be added in unincorporated county areas, based on location and/or density bonus incentives for cluster development and transferrable development right development options.

Staff Report: Martin Bench Rezone

7 July 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: Chad & Laurie Martin

Parcel ID#: 11-015-0003

Staff Recommendation: None

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

Reviewed by Angie Zetterquist

Project Address:
1032 South 7000 West
near Mendon

Acres: 34.06

Surrounding Uses:

North – Agricultural/Residential

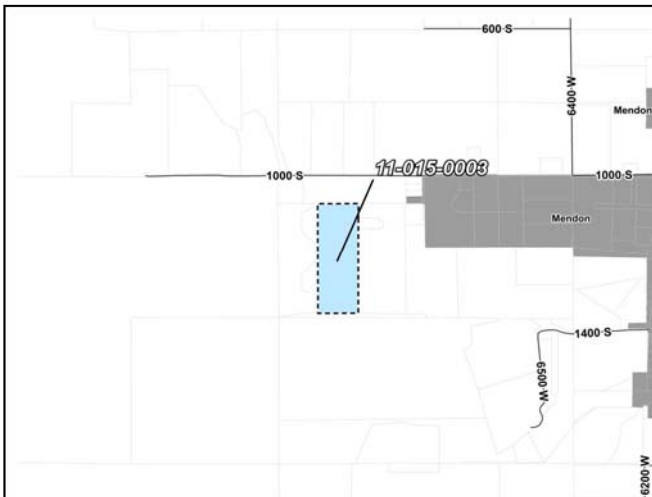
South – Agricultural

East – Agricultural/Forest Recreation

West – Agricultural

Current Zoning:
Agricultural (A10)

Proposed Zoning:
Rural 5 (RU5)



Findings of Fact

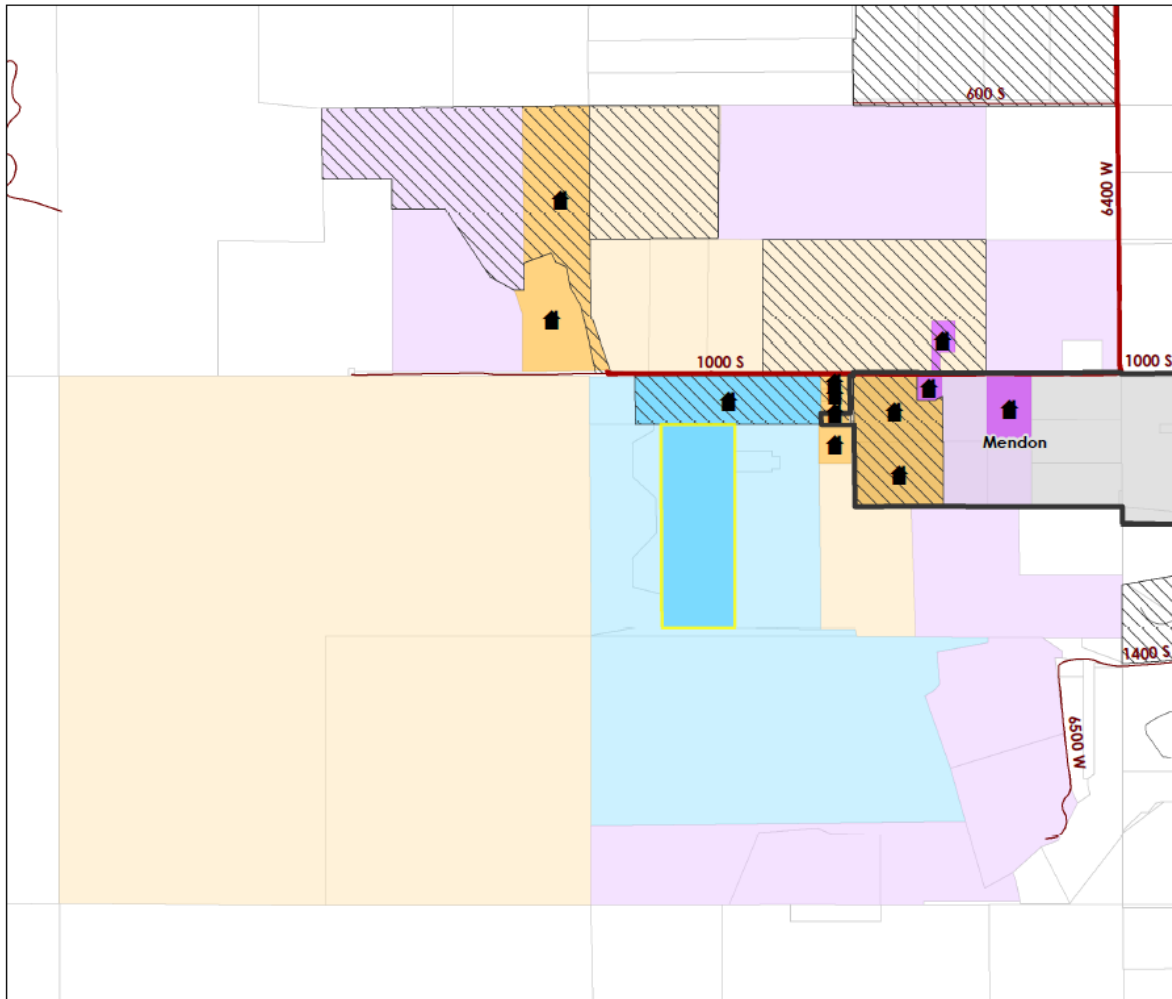
A. Request description

1. A request to rezone 34.06 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone.
2. This rezone may allow the parcel to be legally divided into a maximum potential of 6 separate lots as part of a subdivision process. Due to the presence of non-developable sensitive areas, the maximum number of buildable lots will be limited to 4 or 5 lots. The applicant's stated intention is to create a 3-lot subdivision for family members, which, due to the presence of sensitive areas on the subject property, they were not able to meet the minimum net developable acreage required in the A10 Zone.

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

a. Land Use Context:

- i. Parcel status: The subject property is legal as it is in the same size and configuration as it was on August 8, 2006.
- ii. Average Lot Size: (See Attachment A)



Average Parcel Size	
Adjacent Parcels	With a Home: 20 Acres (1 Parcel)
	Without a Home: 33.4 Acres (8 Parcels)
1/4 Mile Buffer	With a Home: 11.1 Acres (6 Parcels)
	With a Home in Mendon City: 8.9 Acres (3 Parcels)
	Without a Home: 68.3 Acres (16 Parcels)
1/2 Mile Buffer	With a Home: 9.9 Acres (7 Parcels)
	With a Home in Mendon City: 6.7 Acres (5 Parcels)
	Without a Home: 61.5 Acres (24 Parcels)
	Without a Home in Mendon City: 6.6 Acres (3 Parcels)

- iii. **Schedule of Zoning Uses:** Under the current County Land Use Ordinance, the RU5 Zone is more restrictive in the uses allowed when compared to the Agricultural (A10) Zone. There are no uses that are allowed as a permitted or conditional use within the RU5 Zone that are not allowed as a permitted or conditional use within the A10 Zone. The following uses are conditional uses in the A10 Zone but are not allowed in the RU5 Zone:
 - Agricultural Manufacturing
 - Recreational Facility
 - Cemetery
 - Private Airport
 - Concentrated Animal Feed Operation
 - Livestock Auction Facility
 - Topsoil Extraction
- iv. **Adjacent Uses:** The properties adjacent to the subject rezone are primarily used for agriculture, a few single family dwellings, and access to forest recreation areas. The Mendon City boundary is approximately 0.15 miles to the subject property at its closest boundary.
- v. **Sensitive Areas:** There are a number of sensitive areas located on the subject property (Attachment B) including steep (>30%) and moderate slopes (20-30%), FEMA floodplain, wildfire hazard areas, Wildland-Urban Interface, and Zone 2 of a Source Water Protection Area. Steep slopes are not developable and septic systems are not allowed in Zones 1 or 2 of a Source Water Protection Area. The other sensitive areas will require additional analysis and review as part of a subdivision process.
- vi. **Annexation Areas:** The subject property is located within Mendon City's future annexation area. The applicant provided a letter from Mendon City (Attachment C) stating that the applicant has discussed the rezone with the City Council and the Council agreed in a unanimous vote that they had no objection to the rezone request..
- vii. **Zone Placement:** As identified by the Planning Commission and the County Council at the time the RU5 Zone was adopted, the intended/anticipated placement of this zone was in areas of the unincorporated county adjacent to municipalities. The closest boundary of Mendon is located less than 900 feet away from the subject property. The nearest RU5 zone is east of the subject property approximately 6 miles away as the crow flies on the west side of Logan. This RU5 zone, the Janet Ryan Rezone, included a total of 13.6 acres and was approved in 2012 as Ordinance 2012-04. A subdivision request has not been processed for that property to date. There are a few Rural 2 (RU2) Zoned properties to the south and west of the Mendon border.

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

- 4. As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
- 5. The current County Land Use Ordinance does not specify appropriate locations for the Rural 5 (RU5) Zone but does contain possible guidelines for its implementation. County Land Use Ordinance §17.08.030 [B] [1] identifies the purpose of the RU5 Zone and includes the following:
 - a. "To allow for residential development in a low density pattern that can allow for rural subdivisions and smaller scale agricultural uses. This type of development should be

located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.

b. To implement the policies of the Cache Countywide Comprehensive Plan, including those regarding 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 RU5 Zone will be addressed as part of each respective approval process required prior to site development activities.

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

7. The Road Manual specifies the following:

8. §16.04.040 [A] Roads – All roads must be designed and constructed in accordance with Title 12 of the County Code.

9. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).

10. A basic review of the access to the subject property identifies the following:

a. The subject property does not have frontage on a public or private road.

b. Current access to the property is via a series of easements for private roads (i.e., 900 South and 6800 West). However, the legality of the access and the ownership of the private roads is unclear due to the various easements, annexation of 6800 West by Mendon, and the multiple property owners involved.

c. The applicant anticipates providing access and frontage for a future subdivision on a private road that will cross parcel #11-015-0041, which they also own, from 1000 South, a County road.

a. 1000 South:

i. Is an existing county facility that provides access from Mendon City to forest recreation areas, agricultural uses, and a few single-family dwellings.

ii. Is classified as a Minor Local road.

iii. This portion of 1000 South consists of a 20-foot-wide substandard gravel road.

iv. The remainder of 1000 South going east is within Mendon City limits and ranges from 18-20 feet in width. A full review of the Mendon City portion of the road was not conducted, but is considered substandard compared to the County Standards for a Minor Local road.

v. Is maintained year around.

D. Service Provisions:

11. §16.04.080 [C] Fire Control – The County Fire District requires that all access roads and private driveways to be 20-feet wide with an all-weather surface. Future access must be reevaluated and may require improvements based on the location of any proposed structure on lots created through a subdivision process.

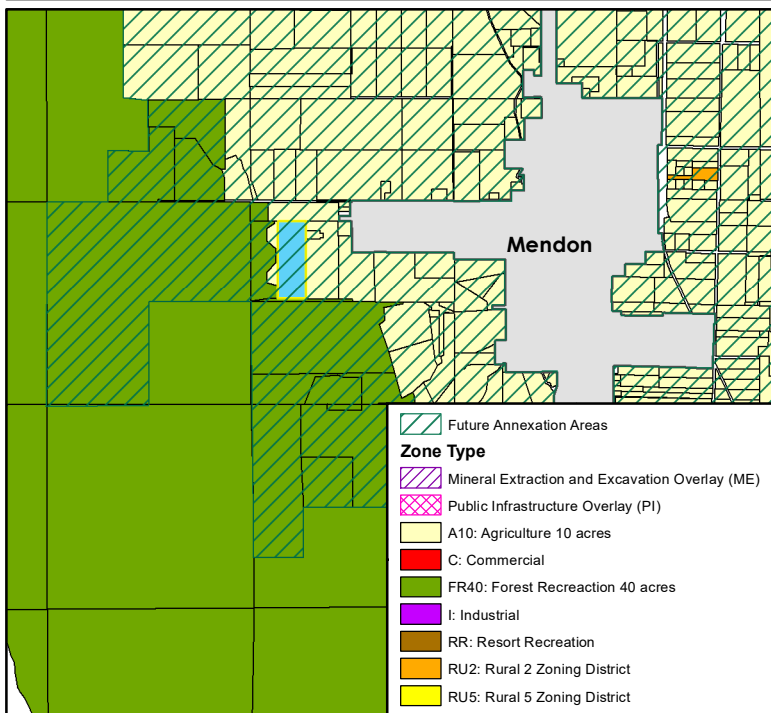
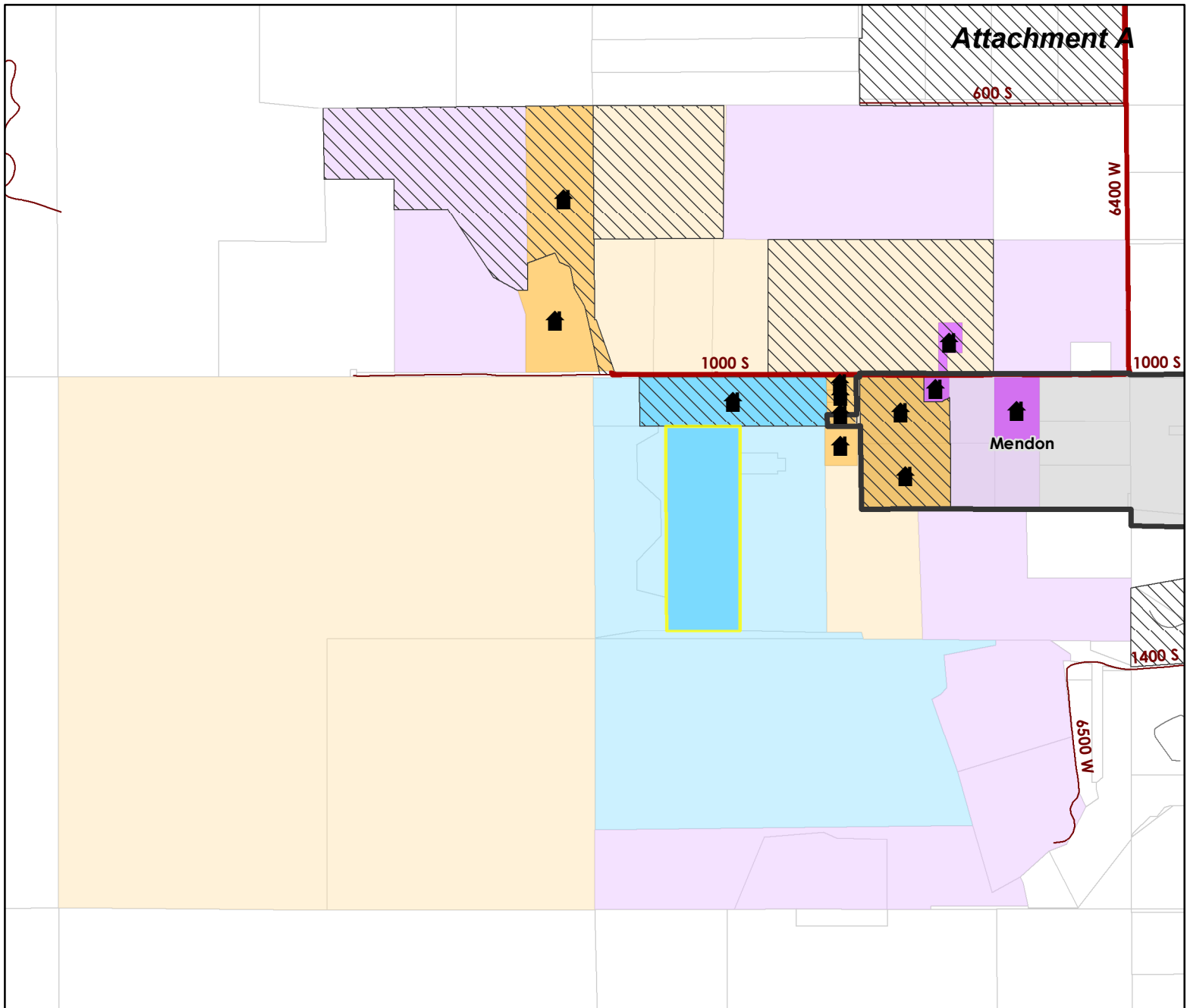
12. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental provides refuse collection for the subject property. Refuse containers must be placed on 6800 West for collection, which is north and west of the subject property at the Mendon City boundary. The applicant will need to provide sufficient shoulder space along the road for all refuse containers to be placed 3-to-4 feet apart and be located far enough off the road so as to not interfere with passing traffic. A County Encroachment Permit is required to make the required shoulder improvements for refuse collection in the County right-of-way.

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

13. Public notice was posted online to the Utah Public Notice Website on 24 June 2022.
14. Notices were posted in three public places on 24 June 2022.
15. Notices were mailed to all property owners within 300 feet on 24 June 2022 and to Amalga Town on 28 June 2022.
16. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

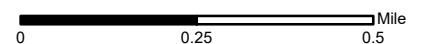
Conclusion

The Martin Bench Rezone, a request to rezone 34.06 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and the County Manual of Roadway Design and Construction Standards. Staff has not made a recommendation on this request and can assist the Planning Commission in drafting a recommendation based on the findings of fact identified above and any others identified at the public hearing.



Legend

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



Average Parcel Size

Adjacent Parcels	With a Home: 20 Acres (1 Parcel)
	Without a Home: 33.4 Acres (8 Parcels)
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	Without a Home: 61.5 Acres (24 Parcels)
	Without a Home in Mendon City: 6.6 Acres (3 Parcels)



6/7/2022

GIS PARCEL SUMMARY

Not Authoritative — For Preliminary Review Only

Generated on 27 May, 2022 at 10:00 AM

Parcel Number: 11-015-0003

Property Address: (Not Available)

Tax Roll Acreage: 34.06

Owner Name: CHAD E & LAURIE A TRS
MARTIN

Owner Address: PO BOX 505
MENDON, UT 84325-0505

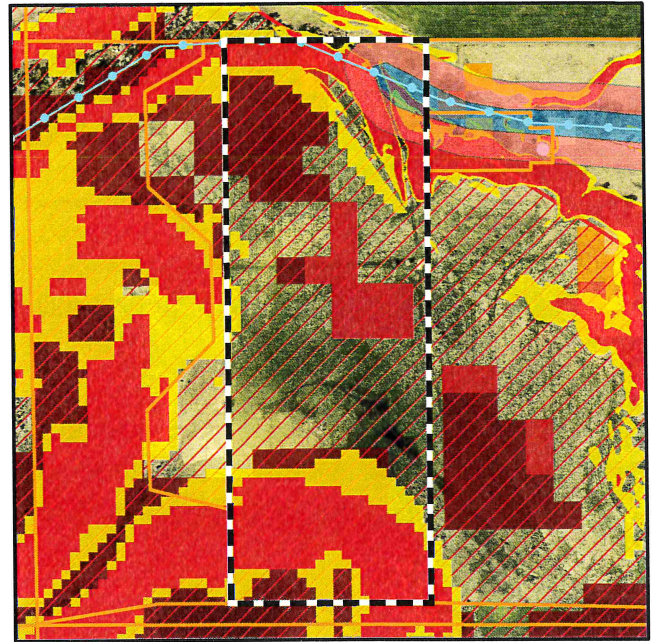
Jurisdiction: Cache County

Future

Annexation Area: Mendon

Base Zone: A10

Overlay Zone: None



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

Initial Parcel Potentially a legal parcel

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

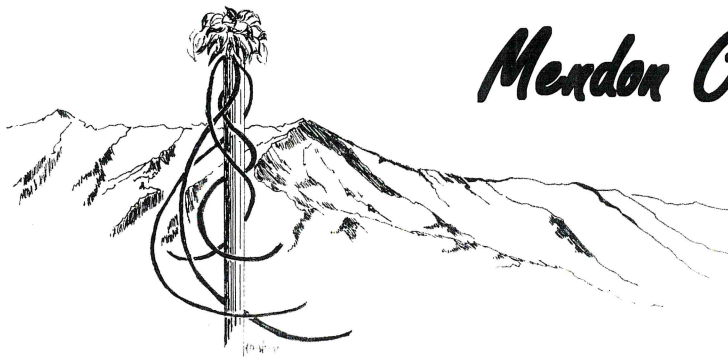
NOTE: Parcel legality does **NOT** guarantee that a parcel or lot is buildable; it is only one step in the development process. All other requirements must still be met. Parcel legality should be verified before submitting a land use application.

Areas That May Require Further Analysis

Canals	Source Water Protection	Wildland-Urban Interface
FEMA Floodplain	Zones 1 or 2	Wildfire Hazard Areas
County Floodplain Buffer	Moderate Slopes	
	Steep Slopes	

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

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



Mendon City Corporation

P.O. Box 70 Mendon, UT

84325

Phone (435) 753-3449

www.mendoncity.org

May 17, 2022

Cache County Office
179 Main Street
Logan, UT.
84321

To Whom It May Concern,

Chad and Laurie Martin appeared before Mendon City Council on May 12, 2022. They represented to City Council their plans to rezone their property (T/N 11-015-0003) from A10 to RU5 zoning. They also represented to City Council that a letter from Mendon City is being requested by the County towards this process as their property is currently within the county jurisdiction but near to Mendon City.

Council discussed with the Martin's that Mendon City property is gated off for a water protection zone and must not be trespassed with any future septic systems. Martin's agreed to this. Council also questioned the anticipated septic systems and Martin's represented that this had been addressed with the county. Lastly, council note that 8 of the total 30+ acres is in a very steep slope and that this anticipated development should not cause spring runoff drainage issues towards Mendon City. Future erosion and drainage may happen to property to the east.

Therefore, Mendon City Council unanimously have no objection to the proposed zone change as represented to the Mendon City Council that only 3 homes will be built due to the steep slope on the property.

Regards.

Mayor Ed Buist

Martin Bench Rezone

Option 1 – Recommend Approval

Planning Commission Conclusion

Based on the findings of fact noted herein, the Martin Bench 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 5 (RU5) Zone as identified under §17.08.030[A] of the Cache County Code as it:
 - a.** Allows for residential development in a low density pattern that can allow for rural subdivisions and smaller scale agricultural uses.
 - b.** Does not unreasonably impede adjacent agricultural uses, nor unreasonably conflict with the development standards of adjacent communities.

Option 2 – Recommend Denial

Planning Commission Conclusion

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

- 1.** The location of the proposed rezone has a number of sensitive areas that limit development on the subject property, but a rezone would set a precedent for higher density development on adjacent properties that may not be appropriate for this area of unincorporated county.
- 2.** The location of the proposed rezone does not have adequate access to public services. The subject property lacks frontage on a public or private road, which is a required development standard of the County Code. The nearest public road, 1000 South, is substandard and public access to forest recreation areas is currently prohibited due to the road deficiencies.
- 3.** The Cache County Comprehensive Plan does not specifically address the Rural 5 (RU5) Zone and does not make recommendations as to where the zone should be located. The County's new General Plan update must be adopted to provide the necessary direction on where density could be added in unincorporated county areas, based on location and/or density bonus incentives for cluster development and transferrable development right development options.

Staff Report: Winnies Properties Rezone

7 July 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: Cameron Winquist

Parcel ID#: 10-043-0001, -0005

Staff Recommendation: Denial

Type of Action: Legislative

Land Use Authority: Cache County Council

Location

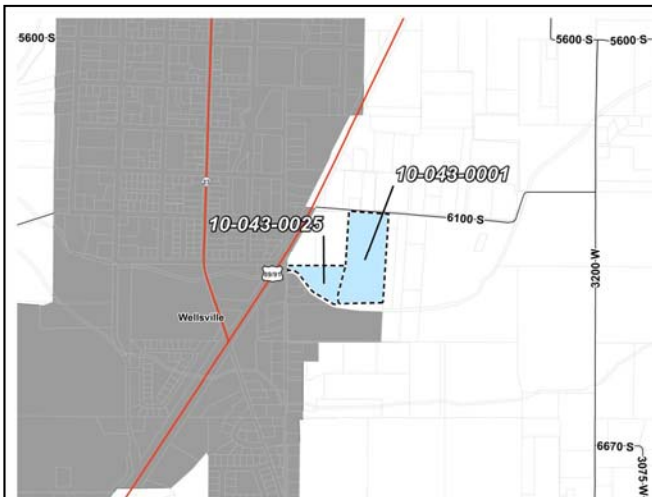
Reviewed by Angie Zetterquist

Project Address: Acres: 35.2
3798 West 6800 South/970 South 200 East
Near Wellsville

Current Zoning: Agricultural (A10)
Proposed Zoning: Rural 2 (RU2)

Surrounding Uses:

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



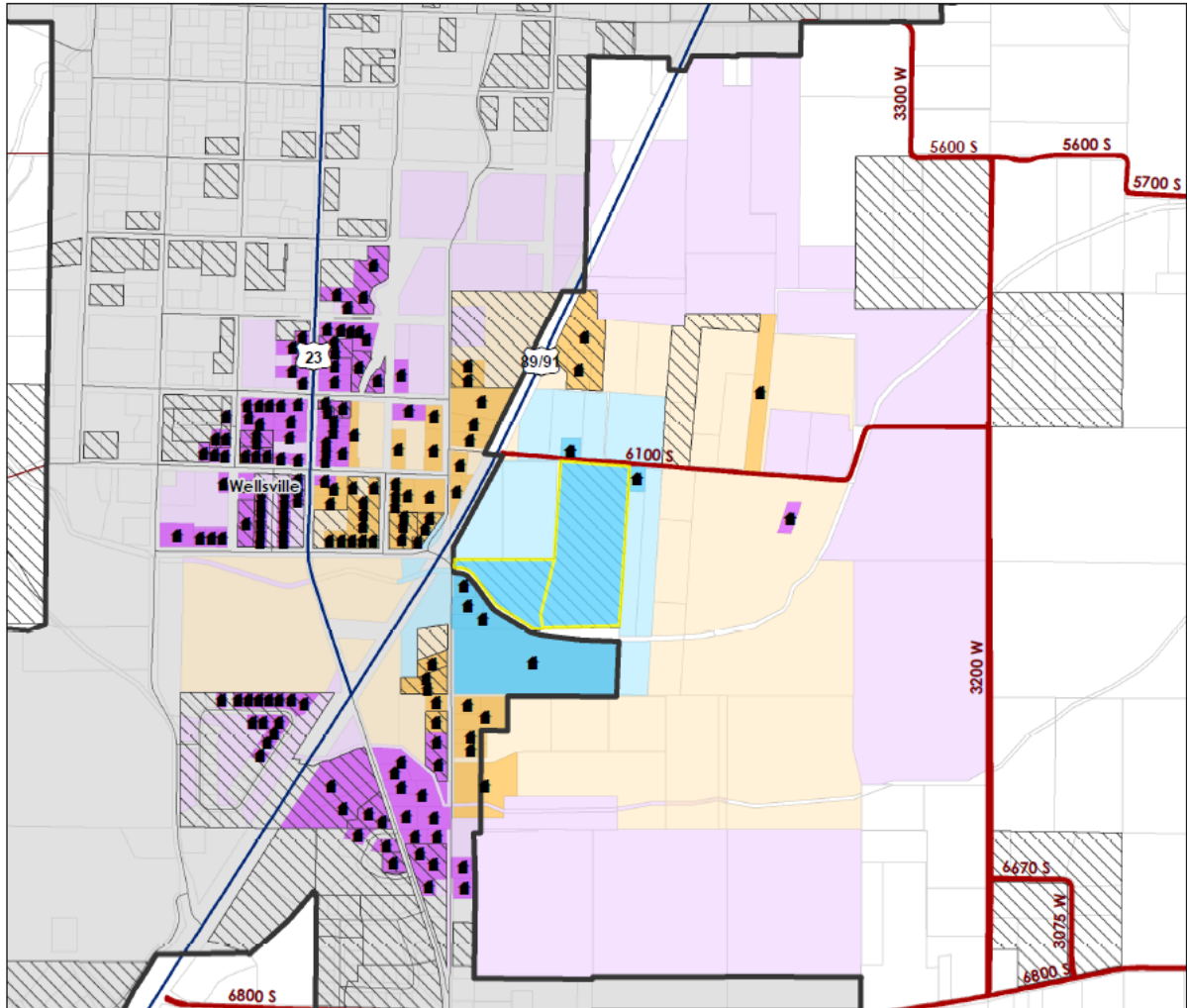
Findings of Fact

A. Request description

1. A request to rezone 35.2 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 potential of 17 separate lots as part of a subdivision amendment process. The current A10 Zone allows for a maximum of 3 buildable lots.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text:

a. Land Use Context:

- i. Parcel status: The subject properties are legal as it is in the same size and configuration as the McKay Leishman Lot-Split Subdivision approved and recorded in 2006.
- ii. Average Lot Size: (See Attachment A)



Average Parcel Size	
Adjacent Parcels	With a Home: 1 Acre (2 Parcels)
	With a Home in Wellsville City: 6.8 Acres (4 Parcels)
	Without a Home: 7.4 Acres (12 Parcels)
	Without a Home in Wellsville City: 1.6 Acres (5 Parcels)
1/4 Mile Buffer	With a Home: 3.2 Acres (5 Parcels)
	With a Home in Wellsville City: 1.6 Acres (48 Parcels)
	Without a Home: 9.1 Acres (36 Parcels)
	Without a Home in Wellsville City: 4 Acres (22 Parcels)
1/2 Mile Buffer	With a Home: 2.8 Acres (6 Parcels)
	With a Home in Wellsville City: 1 Acre (160 Parcels)
	Without a Home: 12.4 Acres (59 Parcels)
	Without a Home in Wellsville City: 2.7 Acres (60 Parcels)

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 35.2 acres of property, the subject properties can be divided into a maximum of 3 buildable lots (i.e., one more than the existing 2 lot subdivision) under the current A10 Zone standards. A rezone to RU2 may allow up to 17 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. The Wellsville City boundary is located immediately adjacent to the south and west of the subject properties. As part of the application submittal requirements, the applicant was required to provide a letter from the City regarding future annexation and access to services (Attachment B). In that letter dated May 6, 2022, the City states that no utility services are being provided, but that the City strongly recommends annexation into Wellsville.
- v. **Annexation Areas:** The subject property is located within the Wellsville City future annexation area. Wellsville City submitted a 2nd letter signed by Mayor Thomas G. Bailey dated June 27, 2022, in which they oppose the proposed rezone (Attachment C). The key reasons listed in the letter of opposition include: Wellsville City infrastructure (i.e., water and sewer) is located in close proximity to the properties and will be better for a development versus individual septic systems and wells; future county development will benefit from Wellsville amenities and services without contributing to the City's tax base or impact fees; and the proposed rezone would interrupt and undermine the City's Master Plan.
- 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. However, the zone has generated concerns from several municipalities that the development pattern is not compatible with their future annexation and growth expansion plans. The Wellsville City boundary is immediately south and west the subject properties. The nearest RU2 zone is 3.8 miles north and west of the subject properties at approximately 3200 South Hwy 23, near Mendon but not immediately adjacent to the town's boundary. This RU2 Zone was approved as the Rose Hills Subdivision Rezone in 2014. The Rose Hills Subdivision was approved as a 2-lot subdivision with an Agricultural Remainder in 2003. After the rezone was approved the subdivision

was amended to add one additional lot, but with 11.5 acres in the RU2 Zone there is the potential for two more building lots.

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

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

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

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. A basic review of the access to the subject property identifies the following:
 - a. Primary access to the subject properties is from 6100 South, a County road.
13. 6100 South:
 - a. Is an existing county facility that provides access to multiple dwellings, agricultural uses, vacant lots, and provides through access from Hwy 89/91 to 3200 West.
 - b. Is classified as a Minor Local Road.
 - c. Is paved and varies in width from 18 to 20 feet.
 - d. Is considered substandard as to right-of-way, paved and gravel shoulder width, and clear zone.
 - e. Is maintained year round by the County.

D. Service Provisions:

14. §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.
15. §16.04.080 [F] Solid Waste Disposal – Logan City Environmental provides refuse collection in this area, but collection location and further requirements will be reevaluated based on any future development.

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

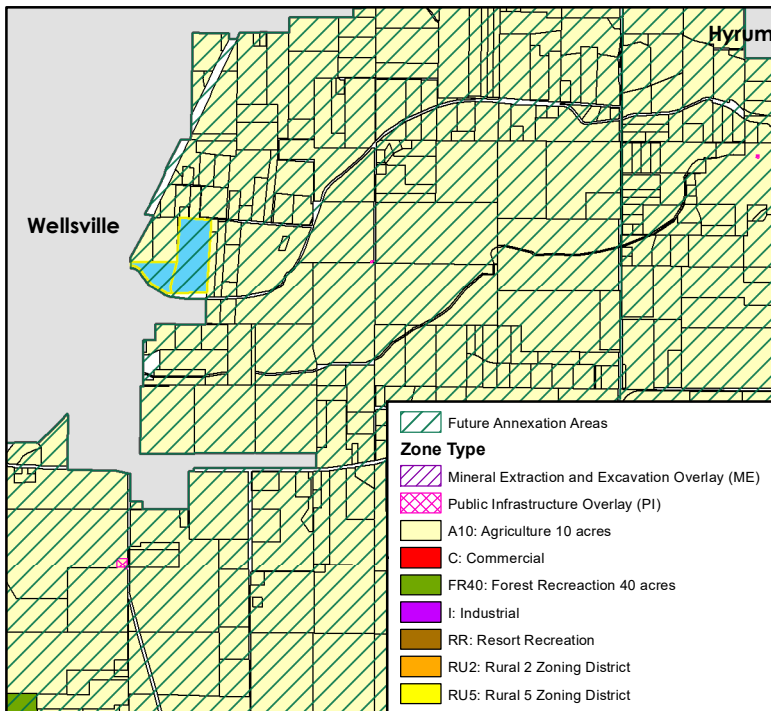
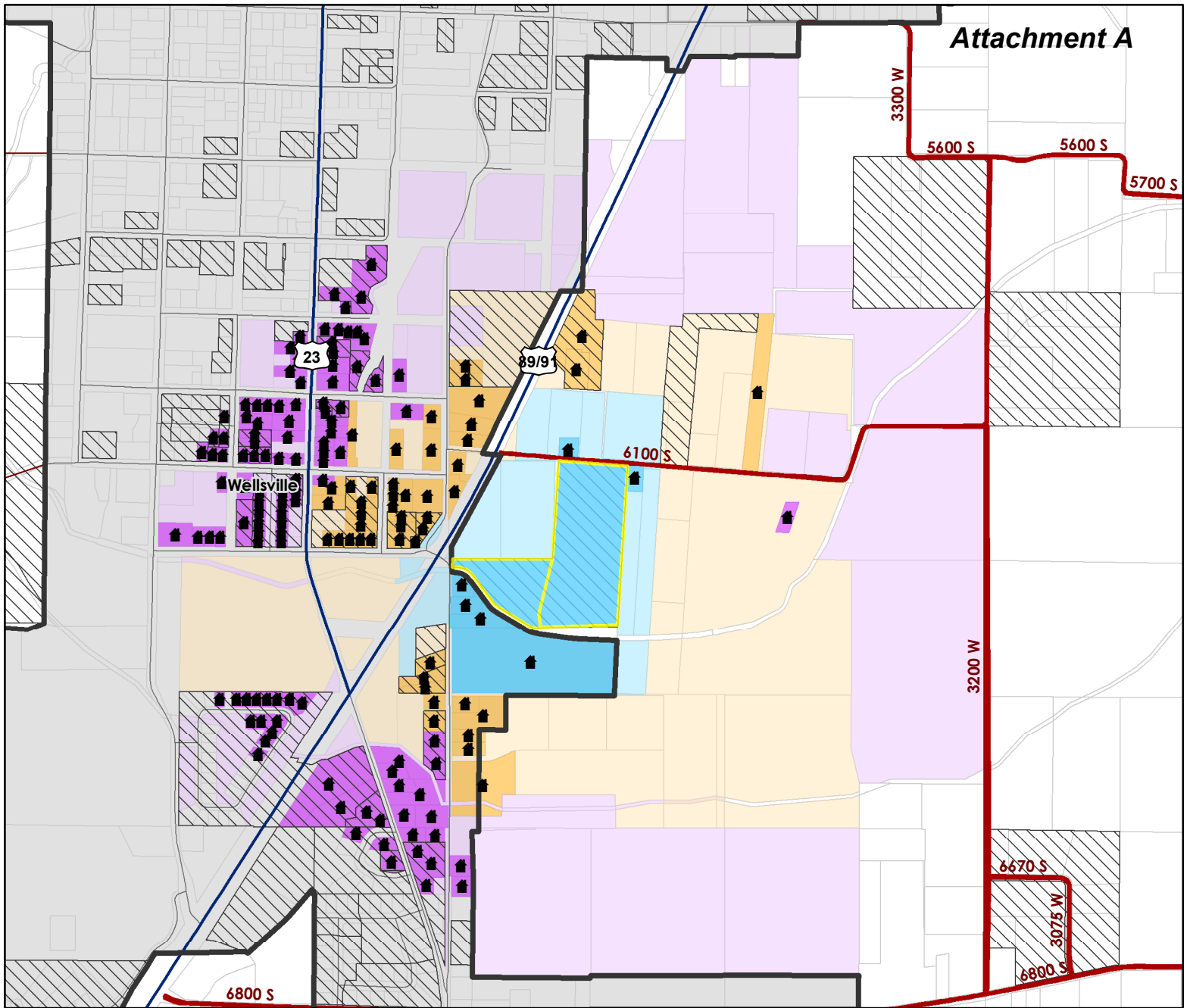
16. Public notice was posted online to the Utah Public Notice Website on 24 June 2022.
17. Notices were posted in three public places on 24 June 2022.
18. Notices were mailed to all property owners within 300 feet and Wellsville City on 24 June 2022.
19. As mentioned above, Wellsville City has submitted written comments opposing the rezone request. At this time, no additional written public comments regarding this proposal have been received by the Development Services Office.

Recommendation & Conclusion

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

1. The proximity of the subject properties to the boundaries of Wellsville City with access to utilities, emergency services, and infrastructure would be better served as part of a Wellsville City development through an annexation process.

Attachment A



Legend

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

0 0.25 0.5 Mile

Average Parcel Size	
Adjacent Parcels	With a Home: 1 Acre (2 Parcels)
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6/7/2022



WELLSVILLE CITY CORPORATION

75 East Main
P.O. Box 6
Wellsville, Utah 84339
Phone: 435-245-3686
Fax: 435-245-7958

CITY MANAGER/RECORDER

Scott E. Wells

CITY TREASURER

Leesa M. Cooper

Attachment B

MAYOR

Thomas G. Bailey

CITY COUNCIL

Kaylene Ames

Bob Lindley

Denise N. Lindsay

Perry N. Maughan

Chad P. Poulsen

May 6, 2022

Cameron Winqvist
Wellsville, Utah 84339

Dear Cameron:

Regarding your property tax id# 10-043-0001 & #10-043-0025, Wellsville City currently does not provide any utilities to this property.

However, considering the proximity of the property to existing utility lines, we strongly recommend that you consider the option of annexing this property into Wellsville City.

We thank you for your interest in building in Wellsville City.

Sincerely,

Scott Wells
WELLSVILLE CITY CORPORATION

SW/dl



WELLSVILLE CITY CORPORATION

75 East Main
P.O. Box 6
Wellsville, Utah 84339
Phone: 435-245-3686
Fax: 435-245-7958

CITY MANAGER/RECORDER

Scott E. Wells

CITY TREASURER

Leesa M. Cooper

MAYOR

Thomas G. Bailey

CITY COUNCIL

Kaylene Ames

Bob Lindley

Denise N. Lindsay

Perry N. Maughan

Chad P. Poulsen

June 27, 2022

Cache County Council and Planning Commission
199 North Main, Suite 305
Logan, Utah 84321

Dear County Council and Planning Commission Members:

On behalf of the city of Wellsville, I am writing to express opposition to the proposed development of property on the eastern border of Wellsville City limits. This property is identified by Parcel #'s 10-043-0001 and 10-043-0025.

We acknowledge that a property owner has certain rights. However, we also believe that it is important to look to the future and have an enlarged perspective of how an individual property owner's rights and desires will impact adjoining lands. This proximity of this proposed development to Wellsville City makes it an obvious location for annexation and expansion and is addressed as such in Wellsville's Master Plan.

Following are some of the key reasons Cache County should deny the proposed subdivision:

- a. The property is located close to Wellsville City infrastructure such as culinary water and sewer. Water is a valuable resource, and it would be wise to provide it in a managed and measured way rather than having a multitude of wells. A sanitary sewer collection system is more efficient and safer than numerous septic tanks would be.
- b. While residents of the proposed subdivision would certainly benefit from their proximity to Wellsville's parks, recreation programs, EMS, and fire department, Wellsville City would not receive any monetary benefit from those homes or families. The City would not receive impact fees or property taxes to help offset the cost of providing amenities and services to those living in the proposed development.
- c. Wellsville City has put tremendous time and effort into developing a sound Master Plan. We firmly believe that the property in question should NOT be developed in a manner that interrupts and undermines the managed growth detailed in our Master Plan. If the property is developed, it should be in congruence with the surrounding area and not hinder future growth.

Thank you for your consideration of our request. I encourage any member of the council or commission to reach out to me with any questions or concerns that I can address.

Sincerely,

Thomas G. Bailey, Mayor
TGB/lc

Memorandum: Proposed Amendments to 5810 Private Airport

Staff has prepared the following proposed amendments to the Use Related Definition of 5810 Private Airport. 7/7/2022.

Current language

5810 Private Airport: Any area for the takeoff or landing of aircraft and that is not open to the public, including uses that may be appurtenant and accessory to said activity (e.g., runways, hangars, facilities for refueling and repair). The following are required at the time of application:

1. A copy of any and/or all FAA reviews, forms, and analyses regarding the airport location, activity, and design including:
 - a. The current FAA Form 7480-1, and;
 - b. FAA response to the Form 7480-1 submission.
 - c. A copy of the airport master record.
2. A copy of the design criteria as per the current FAA Airport Design Advisory Circular AC 150/5300-13A as applicable to the type of aircraft proposed to operate at the site. Said design criteria must be implemented at the site.

Permitting is not required for temporary or intermittent airports as defined by the Federal Aviation Administration (FAA) under title 14 of the Code of Federal Regulations part 157 Notice of Construction, Alteration, Activation, and Deactivation of Airports.

Proposed language - Final draft amendments

5810 Private Airport: Any area for the takeoff or landing of aircraft and that is not open to the public, including uses ~~that may be~~ appurtenant ~~and accessory~~ to said activity (e.g., runways, hangars, facilities for refueling and repair).

- 1. Application:** The following are required at the time of land use application:
 - a.** A copy of any and/or all FAA reviews, forms, and analyses regarding the airport location, activity, and design including:
 - i.** The current FAA Form 7480-1, and;
 - ii.** FAA response to the Form 7480-1 submission.
 - iii.** ~~A copy of the airport master record.~~
 - b.** A copy of the design criteria as per ~~the current~~ FAA Airport Design Advisory Circular AC 150/5300-13~~BA~~ as applicable to the type of aircraft proposed to operate at the site. Said design criteria must be implemented at the site.
- 2. Location - The airport and the following must be located within the boundaries of property owned or leased by the proponent:**
 - a.** All appurtenant uses and structures; and
 - b.** All zones and areas related to the land use and associated with the required design criteria as specified in the noted FAA Airport Design Advisory Circular in item 1b above.

~~Permitting is not required for temporary or intermittent airports as defined by the Federal Aviation Administration (FAA) under title 14 of the Code of Federal Regulations part 157 Notice of Construction, Alteration, Activation, and Deactivation of Airports.~~

Memorandum – Recreational Facility / Campground Amendments

July 7, 2022

To: Planning Commission

From: Tim Watkins, Planning Manager

Cache County Development Services submitted an application on February 10, 2022 to amend definitions to Use Type 4100 – Recreational Facility, and the Schedule of Uses by Zoning District in Section 17.09.030.

The Planning Commission discussed the item with staff during two subsequent meetings. Discussion included reference to a future comprehensive update to Use Type 6140 - Agritourism for consideration of potential smaller-scale recreational and camping uses that could be appropriate in the A10 zone.

The Planning Commission generally felt that a larger-scale campground could be more appropriate in the FR40 zone and RR zone, further away from residential areas in the A10 zone.

Two options are provided below for consideration during the scheduled public hearing:

Option 1. Retain the Recreational Use in the A10 zone, while removing 'Campground' and creating its own new use type for conditional use in the FR40 and RR Zones only. This option would require an additional public hearing to notice additional amendments to the use definitions and general definitions.

Option 2. Remove A10 and Commercial Zones from the Recreation Use, allowing it for conditional use in the FR40 and RR zones only. This option would not require any further public hearings prior to the Planning Commission taking action on a potential recommendation to the County Council.

DRAFT Language for Proposed 4100 Recreational Facility Amendments

July 7, 2022

Section 17.07.030: Use Related Definitions – 4100 Recreational Facility, and
Section 17.09.030: Schedule of Uses by Zoning District – 4100 Recreation Facility,
(and adding a new Use Definition of Campground).

Option 1. (Requires an additional hearing to notice potential amendment of general definitions)

- Remove the specific use of campground from the definition of use type 4100 Recreational Facility in Section 17.07.030: Use Related Definitions,
- Remove 'CAMPGROUND' definition from 17.07.040: General Provisions and add it to use type 41~~10~~ 'CAMPGROUND' to Section 17.07.030: Use Related Definitions,
- Add 41~~10~~ 'CAMPGROUND' to Section 17.09.030: Schedule of Uses by Zoning District

17.07.030: Use Related Definitions

4100 - RECREATIONAL FACILITY: A place, either indoor or outdoor, designed and equipped for the conduct of sports and leisure time activities that is operated as a business and/or open to the general public. A recreational facility is operated for a period of greater than thirty (30) days per year and may also include incidental transient lodging accommodations for up to fifteen (15) rooms. For the purposes of a recreational facility only, "room" is defined as a self-contained area within a structure that has a maximum of two (2) sleeping areas, one bathroom, and no provision for cooking. A room provides sleeping accommodations for the general public utilizing the associated recreational facility. All rooms associated with a recreational facility must be contained within a single structure, and access to rooms must be primarily from interior lobbies or halls. A central kitchen and dining room catering to guests and the general public can be provided within the same structure. ~~The term recreational facility includes, but is not limited to, the following: ski facility, and golf course, and campground. A Recreation Facility does not include Use Type 41~~~~10~~ ~~– Campground.~~

17.07.040: General Definitions

~~CAMPGROUND: Any area with 2 or more campsites in the FR40 or RR zones that are improved for occupancy by transients using recreational vehicles, motor homes, mobile trailers, or tents for dwelling, lodging, or sleeping purposes with a duration of state for a period of 30 days or less.~~

17.07.030: Use Related Definitions

4110 – Campground: Any area with 2 or more campsites in the FR40 or RR zones that are improved for occupancy by transients using recreational vehicles, motor homes, mobile trailers, or tents for dwelling, lodging, or sleeping purposes with a duration of state for a period of 30 days or less. Water and sewage facilities shall comply with State requirements (see § 17-10.040.3.a.).

Section 17.09.030: Schedule of Uses by Zoning District

Index	Description	Base Zone							Overlay Zone	
4000	Cultural, Entertainment, and Recreation	RU2	RU5	A10	FR40	RR	C	I	ME	PI
4100	Recreation facility	N	N	C	C	C	C	N	N	-
<u>4110</u>	<u>Campground</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>-</u>

Option 2. (Does not require an additional hearing)

- Amend use type 4100 Recreational Facility in Section 17.00.030: Use Related Definitions to apply only to FR40 and RR zones.

Section 17.09.030: Schedule of Uses by Zoning District

Index	Description	Base Zone							Overlay Zone	
4000	Cultural, Entertainment, and Recreation	RU2	RU5	A10	FR40	RR	C	I	ME	PI
4100	Recreation facility	N	N	C N	C	C	C N	N	N	-



Application: Ordinance Amendment

Date Received:	By:	Receipt #:	Amount:	Check #:
2/10/22	A. Hanks	N/A	N/A	N/A

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

Ordinance Information

Ordinance Section(s): 17.07.030: Use Related Definitions - 4100 Recreational Facility
17.09.030: Schedule of Uses by Zoning District - 4100 Recreation Facility
Affected Zones: A10, FR40, RR, C

Agent Contact Information

Agent Name: CHRIS HARRILD Email: Chris.harrild@cachecounty.org
Phone: 755-1630 Mailing Address: 179 N Main, Suite 305
Logan, UT 84321

Review Process

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

2022 Meeting Dates and Application Deadlines					
Planning Commission (1 st Thursday of each month*)		County Council (2nd & 4th Tuesday*)		Board of Adjustments (3 rd Thursday of each month)	
Application Deadline 3:00 PM	MEETING DATE 5:30 PM	MEETING DATE 5:00 PM		Application Deadline 3:00 PM	MEETING DATE 6:00 PM
1 Dec 21	6 Jan	11 Jan	25 Jan	30 Dec 21	20 Jan
5 Jan	3 Feb	8 Feb	22 Feb	27 Jan	17 Feb
2 Feb	3 Mar	8 Mar	22 Mar	24 Feb	17 Mar
2 Mar	7 Apr	12 Apr	26 Apr	31 Mar	21 Apr
6 Apr	5 May	10 May	24 May	28 Apr	19 May
4 May	2 Jun	14 Jun	28 Jun	26 May	16 Jun
1 Jun	7 Jul	12 Jul	26 Jul	30 Jun	21 July
6 Jul	4 Aug	9 Aug	23 Aug	28 Jul	18 Aug
3 Aug	1 Sep	13 Sep	27 Sep	25 Aug	15 Sep
31 Aug	6 Oct	11 Oct	25 Oct	29 Sep	20 Oct
5 Oct	3 Nov	8 Nov	22 Nov	27 Oct	17 Nov
2 Nov	1 Dec	6 Dec*	13 Dec*	23 Nov	15 Dec

Ordinance Amendment

Application Checklist and Acknowledgment

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

- 1) ☒ A completed Ordinance Amendment application form and non-refundable review fees: \$600 *N/A*
- 2) ☒ A copy of the proposed ordinance amendment and any supporting materials. *at*

Acknowledgment

I, Chris Harwood the undersigned agent and/or owner of the property acknowledge that I have read and understand the information and requirements presented in this application, and that the information I have provided is accurate and complete.

Signature

Date

Proposed Text Amendments to

Section 17.07.030: Use Related Definitions – 4100 Recreational Facility, and

Section 17.09.030: Schedule of Uses by Zoning District – 4100 Recreation Facility

Cache County Development Services would propose either to remove campground from the definition of use type 4100 Recreational Facility in Section 17.07.030: Use Related Definitions, or amend 17.09.030 Schedule of Uses by Zoning District – 4100 Recreation Facility to change from C (allowed as a Conditional Use Permit) to N (prohibited) in the A10 Zoning District.

Memorandum**7 July 2022****To:** Planning Commission**Subject:** Hollow Ridge RV Campground Conditional Use Permit**Action:** Review potential amendments to remanded CUP to address inconsistencies with State Code

The Hollow Ridge RV Campground Conditional Use Permit was approved with conditions by the Planning Commission on February 3, 2022 to operate a Recreational Facility (Use Type 4100) on 20.23 acres of property in the A10 zone, located east of Smithfield City at approximately 1400 East 300 South.

An appeal to the Planning Commission's decision to approve the CUP was submitted to the Development Services Office on February 17, 2022 by Mr. Thomas L. Johnson and Ted Stokes, representing Dry Canyon Neighborhood Watch, Inc. The appeal was presented to the Cache County Board of Adjustments in a hearing held on May 19, 2022, followed by a written final decision on the appeal provided by the Board on June 10th, 2022.

The final decision by the Board remands the Hollow Ridge RV Campground CUP back to the Planning Commission to address any and all inconsistencies between the CUP and the State Administrative Rules Applicable to the Recreational Vehicle Park Sanitation (R392-301).

The staff report with proposed edits and updated conditions of approval is attached for your review, including an updated letter of intent and proposed RV Campground rules submitted by the applicant.

The following attachments are also provided for reference:

- Attachment A: Cache County Board of Adjustments Final Decision on the Hollow Ridge RV Campground CUP
- Attachment B: Hollow Ridge RV Campground Appeal
- Attachment C: State Administrative Rules Applicable to the Recreational Vehicle Park Sanitation (R392-301).

Staff Report: Hollow Ridge RV Campground CUP (Amended)

7 July 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: Lance Anderson

Parcel ID#: 08-124-0002

Staff Determination: Approve with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

Project Location

Reviewed by Tim Watkins

Project Address:

Approximately 1400 East 300 South
Smithfield

Current Zoning: A10

Acres: 20.23

Surrounding Zoning & Land Uses:

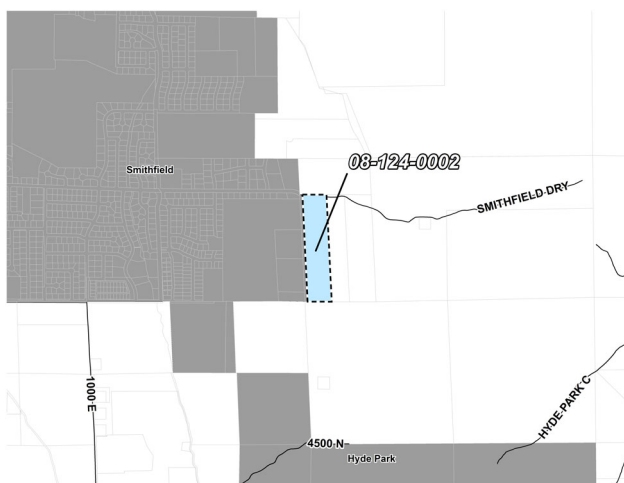
North – A10, Vacant/mountain bench

South – A10, Vacant/mountain bench

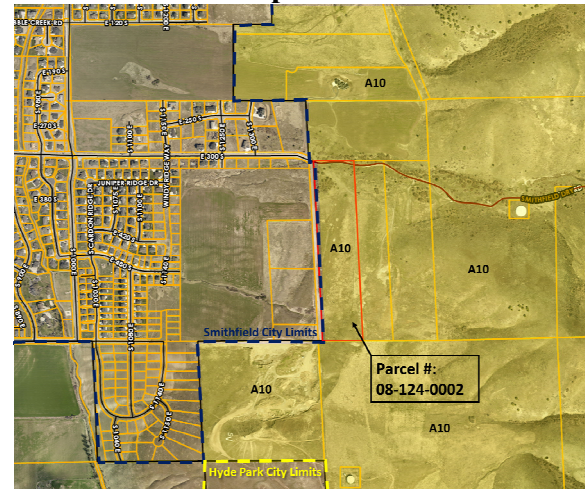
East – A10, Vacant/mountain bench

West – Smithfield City A-10, Vacant

Vicinity Map



Parcel Context Map



Parcel Context Description: Located to the west of the subject property are properties within Smithfield City limits, including the private SV Hill access road and vacant land parcels shown as Medium Density Residential in the City's Future Land Use Map. To the south, east and west are vacant mountain bench properties in the county-unincorporated area with A10 zoning. The unincorporated parcel lying approximately 300 feet to the east is used as a shooting range where slopes over 30% provide a mountain backdrop to the east.

Findings of Fact

A. Request Summary

1. The Hollow Ridge RV Campground Conditional Use Permit (CUP) is a request to develop a recreation facility (Use Type 4100) on 20.23 acres of property in the A10 zone, located east of Smithfield City at approximately 1400 East 300 South.
2. **Applicable Standards.** The proposed RV campground is a recreational use subject to the following development standards for the Agricultural (A10) zone:
 - a. Recreational uses are limited to no more than 30 overnight stays each year (or season) for transient guests. This applies to cumulative consecutive and/or intermittent stays throughout the year.
 - b. Setbacks. Per the Use Setback Distances Table in §17.10.040, a 30 foot front yard and rear yard use setback applies, and 12 foot side yard setbacks.
 - c. The storage of material or placement of structures or parking within the setback areas is not permitted.
 - d. A stormwater report must also be prepared by a licensed professional for the review and approval of the Public Works Department detailing how the proposed limited development will manage rainfall on-site and prevent the discharge off-site.
3. **Proposed Campground Use.** The proposed RV campground includes the following features (see attached letter of intent):
 - a. A maximum of 65 campsites each with an RV parking pad and one additional vehicle parking space.
 - i. **Phase 1:** 12 pull-through campsites as shown on the site plan,
 - ii. **Phase 2:** 26 back-in campsites as shown on the site plan,
 - iii. **Phase 3:** 27 campsites to accommodate potential future demand.
 - iv. An additional 12 parking spaces are provided to accommodate management visits, visitors or additional vehicles associated with a campsite reservation.
 - b. An electrical hook up, water spigot and an in-ground, improved fire ring provided at each campsite. This is a metal-rimmed fire ring set into the ground 12 to 15 inches, per the recommendation of the Cache County Fire Marshall. Potable water must be provided to each site, consistent with State Code requirements.
 - c. Group outdoor amenity areas with activities such as horseshoe pits and pickleball courts.
 - d. 4 total dumpsters (approximately one dumpster for every 12 to 16 campsites) to collect garbage. These are proposed to be enclosed and screened with landscaping to minimize visibility and to contain odors.
 - ~~e. No sewer dumping allowed on the site. Guests will utilize existing off-site RV dump stations provided at various locations throughout Cache Valley, or utilize an RV septic tank pumping service, facilitated by the campground management.~~
 - ~~f. Sewer hookups must be provided for individual campsites and treated through an onsite waste water system that is designed to State Code requirements.~~
 - ~~g-e.~~ Maximum short-term tenant or guest stays of no more than 30 days, with access to the campground during all hours (day and night) and campground management available at any time.

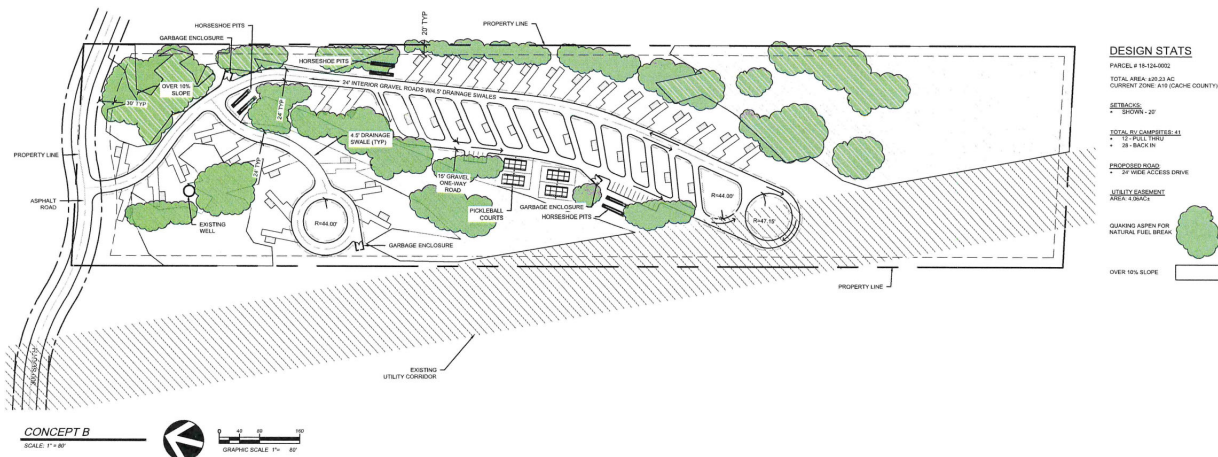
h.f. An onsite camp host will manage the campground through an RV on a campsite near the campground entrance. The camp host office hours are anticipated to be from 7:00 a.m. to 3:00 p.m. and by appointment or on-call outside of those hours as needed.

- i. A local Smithfield resident(s) may also be hired to provide additional response and service coverage to safeguard the guests and the collective interests of neighboring residents.
- ii. Reservations will be booked through an online website application.
- iii. A web-cam will be installed to allow for off-site monitoring of camp activities and to assure safety.

i.g. Operation hours are proposed between March and November (up to 9 months each season) with guest and management access 24 hours a day, 7 days a week.

- i. Guest stays will be limited to a maximum of 30 overnight stays per season (March through November) at the campground, without the opportunity to 'campsite hop' and stay in multiple campsites for more than 30 days per year on the property.

j.h. The proposed concept site plan shows a layout of 12 pull-through and 26 back-in RV campsites with amenity areas for recreation, and proposed landscaping areas to provide aesthetic enhancement and visual buffering. Trees and shrubs in the landscaping areas will be reviewed and approved for fire resistance based on Cache County Fire Marshal recommendations. An additional 27 campsites could be added to the southern, rear undeveloped portion of the site plan, based on future demand.



k.i. Campground rules and regulations are proposed aimed at providing a safe, secure and orderly campground environment for the guests, and to be compatible with nearby residential areas (see attached). A summary of the rules are as follows:

- i. Registration fees, no charge for children age 9 or under.
- ii. Check in time is after 2:00 p.m., check out-time is by 12:00 p.m.
- iii. 10 mph speed limit.
- iv. Quiet hours from 10:00 p.m. to 8:00 a.m.
 - No objectionable noise allowed at any time

- Inconsiderate guests asked to leave for violation of rules restricting intoxication, drug use or possession, obscene language, loud outbursts or violence.
- No horn honking or leaving a vehicle to idle for more than 5 minutes.
- Note: Although the property is not located in the adjacent Smithfield City jurisdiction, as a reference, Smithfield City's Noise Control ordinance prohibits noise between 10:00 p.m. and 6:00 a.m.
- v. Free guest WiFi access not to be used for illegal or fraudulent use, copyright or trademark infringement, threats or harassment, harm to minors, spamming, hacking, system disruption, impersonation or forgery, abuse of new groups, excessive use of bandwidth, viruses, etc.
- h.j. Only operable and licensed and insured RVs are allowed. RV's older than the year 2000 must submit a photo for approval. Sleeping in cars and converted school buses are not allowed. Truck campers are not to be removed from vehicles.

B. Conditional Uses *See conclusion #1*

4. §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*

5. The County Land Use Ordinance stipulates that:
 - a. The proposed conditional use must comply with the regulations and conditions specified in the County Code and other applicable agency standards for such use.
 - b. The proposed conditional use must be consistent with the intent, function, and policies of the Cache County General Plan, Ordinance(s), and land use, and/or compatible with existing uses in the immediate vicinity.
6. §17.02.060, Establishment of Land Use Authority, authorizes the Planning Commission to act as a Land Use Authority for a CUP. ***See conclusion #2***
7. §17.07.030, Use Related Definitions.
 - a. §17.07 defines a **Recreational Facility** as an indoor or outdoor place that is designed and equipped for the conduct of sports and leisure time activities that is operated as a business and/or open to the general public. Recreational uses may include facilities such as a campground, golf course or ski facility.
 - b. The definition of **Campground** in §17.07.040 is any area with more than 3 campsites that are improved for occupancy by transients using recreational vehicles, motor homes, mobile trailers, or tents for dwelling, lodging, or sleeping purposes with a duration of stay for a period of 30 days or less.

- c. A **Campsite** is defined as an area within a campground designed or used to accommodate one party in a single travel trailer, recreational vehicle, or tent.
- 8. §17.09.030, Schedule of Uses by Zoning District, permits this use as a CUP in the Agricultural (A10) Zone if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses as noted.
- 9. Parcel legality:
 - d. Parcel 08-124-0002 has been in the same size and configuration since 2006. There are no other uses other than agricultural grazing, or approved or active Conditional Use Permits on the parcel.
 - e. Hyde Park City holds a 30 foot easement (ENT 627037 BK 667 PG 823) that runs primarily along the eastern property boundary for operation and maintenance of a city water line. The City also holds an unused, inactive easement (ENT 627036 BK 667 PG 823) running through the middle of the parcel. The City has provided a letter agreeing to the following conditions to be met by the applicant in order to revoke the unused easement (see attached Hyde Park City Letter).
 - i. City access to the property, and cost shared cost with the owner/developer for confirming the location of the City's water line,
 - ii. City reviewing of campground plans to avoid any line impacts from development
 - iii. Provision of a multi-use trail easement through the active easement if the City does not acquire a new water line and easement further east of the property.
 - f. A 38 foot wide Utah Power and Light Company (Rocky Mountain Power) power transmission line easement applies to a portion of the lower southwest quarter of the property. The easement allows for roads, drives and utilities, but would not allow for structures or campsites within the easement area (see attached site plan).
- 10. The County Code standards identified Section A.2 apply to the A10 (Agricultural) zone.

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

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

E. Adequate service provision *See conclusion #1*

- 13. The County Land Use Ordinance stipulates that:

- a. The proposed conditional use must not result in a situation that creates a need for essential services that cannot be reasonably met by local service providers, including but not limited to: Roads and year round access for emergency vehicles and residents, fire protection, law enforcement protection, schools and school busing, potable water, septic/sewer, storm water drainage, and garbage removal.
14. Access and Road Right-of-Way Dedication: The subject property has direct access from Smithfield Dry Canyon Road that is currently classified as an unimproved road with an unimproved surface.
- a. The road width is currently about 20 feet wide with a gravel all-weather surface.
 - b. The County provides year-round maintenance to this road that extends east from 300 South and 1350 East in Smithfield City. The county road provides access to private parcels and to the Dry Canyon wilderness area trailhead.
 - c. To accommodate new development, the road manual requires the Smithfield Dry Canyon Road to meet the County's Major Local Road standard. (***See Condition 6***)

(***See Condition 7***): Following the December 2, 2022 Planning Commission meeting, Development Staff and the applicant met to discuss the Commission's recommendation to explore fencing options along the property boundaries. Fencing delineating the property boundaries will be maintained and/or installed, with an approximate 4 foot by 3 foot (12 s.f. maximum) entrance sign, an information kiosk with camp rules, small signs designating each campsite, and signs on the east side of the property warning campers of the potential hazard of an informally-used gun range located approximately 325 feet to the east. Due to the slope and elevation change of the property, staff recommends that solid fencing would not be effective for visual screening between properties.

15. Fire: §16.04.080 [C] Fire Control – The County Fire District has reviewed the proposed campground site plan for compliance with drive width and circulation for emergency access. Potential fire impacts from guest camping activity is addressed in F18. ***See Condition #5***
16. Refuse: The dumpsters provided on the site for trash collection will be serviced by a commercial trash collection service, to be picked up and disposed of at the regional land fill. (***See Condition #9***)
17. Parking (***See Condition #3 and #4***): The proposed site plan provides 1 RV parking space and 1 vehicle parking space at each campsite, in addition to 12 parking spaces for additional vehicles and management site visits. Based on the typical usage of and RV campground facility, staff finds that the proposed parking ratios listed below are consistent with the Institute of Transportation Engineers (ITE) off-street parking reference to a Hotel use of 1.1 spaces per hotel suite. The ITE parking manual is referenced as an applicable parking requirement reference in §17.22.
- d. $77 \text{ parking spaces (not including RV spaces)} \div 65 \text{ campsites} = 1.18 \text{ spaces / campsite.}$
 - e. Note: 38 campsites in Phases 1 & 2 would be served by 50 spaces at a ratio of 2.0 spaces / campsite.

18. Waste disposal or drainage: [State Administrative Rules Applicable to Recreational Vehicle Park Sanitation \(R392-301, see Attachment C\)](#) require access to, or development of a public water system and a waste water system meeting specific Plumbing Code and Environmental Quality / Health Department standards. The County Code states in § 17-10.040.3.a. that water and sewage facilities shall comply with the requirements of the Bear River Health Department, the Utah Department of Environmental Quality, and the Office of the State Water Engineer. These agencies shall be considered the county experts in evaluating the proposed sewage and culinary water supply system (See Condition #5).
- ~~18. An effluent waste dump will not be provided on site. Instead, guests will dump waste at an off-site dumping facility provided at other service locations, or a pump truck could service campsites by appointment at the property.~~
- ~~19. Following the December 2, 2022 Planning Commission meeting, Development Staff and the applicant met to discuss the Commission's recommendation of an on-site sewage dumping facility that meets minimum state requirements. This was intended to reduce the potential number of trips to dump RV wastewater tanks at other off-site dumping locations and/or trips associated with pump service trucks visiting the site to collect waste water from RVs located at campsites.~~
20. A The traffic study provided by the applicant team shows that the estimated trips associated with the RV campground do not create an excessive traffic impact on the streets in the area.

~~The applicant will present a summary of estimated vehicle / RV trips to service the RV campground with on-site pumping service and/or off-site dumping at existing facilities.~~

F. Impacts and mitigation

15. 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.”
16. The County Land Use Ordinance stipulates that:
- 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.
 - 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.
17. Known or reasonably anticipated detrimental effects of the use are as follows:
- Storm water/Site Development:** Site development, construction activities, and continued use of the site during operation can reasonably be anticipated to have a detrimental effect on the surrounding properties due to storm water concerns. The applicant must provide a storm water report prepared by a licensed Engineer detailing how the proposed development will manage rainfall on-site and prevent the off-site discharge of the precipitation from all rainfall events less than or equal to the 80th

percentile rainfall even or a predevelopment hydrologic condition, whichever is less.
See condition #132, #13-14 and #1415.

18. Fire (**See Condition #67**): §16.04.080 The County Fire District has reviewed the proposed RV Campground use and has identified the following requirements to reduce fire risk and mitigate the potential for fire impacts onto the surrounding mountain bench area.
- d. Any fire pits provided at campsites shall be in-ground improved metal fire rings with a minimum depth of 12 to 15 inches.
 - e. A final landscape and irrigation plan with sufficient water supply as approved by Staff for minimizing the potential risk of fire.
 - f. New landscaping plantings shall be irrigated and maintained in a healthy condition to prevent dry wood from growing and accumulating.

(**See Condition #89**): Following the December 2, 2022 Planning Commission meeting, Development Staff and the applicant met to discuss the Commission's recommendation of a water tank to provide additional fire protection. The County Fire Marshall suggested that a centralized underground water tank may not provide practical application of water to all of the dispersed campsites. The following mitigating measures were recommended as more effective solutions to further mitigate fire risk associated with fire pits, and to reduce the potential for smoke in the area:

- g. A full water bucket or fire extinguisher provided at each site for fire suppression.
- h. Portable propane units are permitted as an alternative to burning wood in a fire pit.

19. Vehicle trips (**See Condition #710**): The estimated volume of average daily vehicle trips (ADT) generated by a maximum number of 65 campsite spaces is 3.16 daily trips per campsite, or approximately 205 daily trips. This is equivalent to the trips generated by about 21 single family homes.
- a. The rate of 3.16 ADT is based on ITE average traffic counts for a Recreational/Vacation home, given that an RV campground traffic estimate for urban areas is not provided.
 - b. The Major Local Road standard is designed to a service standard for 1,500 ADT, as described in E13. Improvement of the roadway to this standard will provide sufficient vehicle capacity for the proposed RV campground recreational use.

Following the December 2, 2022 Planning Commission meeting, Development Staff and the applicant met to discuss the Commission's recommendation to further study existing levels of traffic on roads providing access to the site, and the anticipated traffic impact created by the proposed RV campground. The applicant provided a traffic study conducted by a licensed Professional Engineer (see attached). The traffic study has been reviewed by the County Engineer with no exceptions or added concerns. The report findings anticipate that traffic impacts from the proposed RV campground will not significantly impact existing levels of service along existing Collector Streets (300 South, 600 South and 1000 East).

Smithfield City
Future Transportation Map
Figure 4

Legend

- Existing Traffic Signal
- Future Traffic Signal
- Future Traffic Signal or Roundabout

Future Transportation

- Principal Arterial (Existing)
- Minor Arterial (Existing)
- Minor Arterial (Future)
- Major Collector (Existing)
- Major Collector (Future)
- Minor Collector (Regional - Existing)
- Minor Collector (Regional - Future)
- Minor Collector (City - Existing)
- Minor Collector (City - Future)
- 15 Year Annexation Boundary
- City Boundary

JUB ENGINEERS, INC.
THE LARSON GROUP
BATTERY NATURE, INC.
(OTHER U.S. COMPANIES)

- Following the December 2, 2022 Planning Commission meeting, Development Staff and the applicant met to discuss the Commission's recommendation to reduce dust from the proposed interior roads and drives on the proposed RV Camping site. Gravel roads and drives must be

treated with dust-reducing spray such as magnesium chloride, or consist of a paved surface or similar material to reduce dust impacts from the site (**See Condition #56**).

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

22. The following notices have been posted in compliance with State and County Code requirements:

- a. Public notice was posted online to the Utah Public Notice Website on November 19, 2021 for the December 2nd Planning Commission meeting.
- b. Notices were posted in three public places on November 19, 2021 for the December 2nd Planning Commission meeting.
- c. Notices were mailed to all property owners within 300 feet of the subject property on November 19, 2021 for the December 2nd Planning Commission meeting.
- d. Notices were posted in three public places on January 21, 2022 for the February 3, 2022 meeting.
- e. Public notice was posted online to the Utah Public Notice Website on June 24, 2022 for the July 7th Planning Commission meeting.
- f. Notices were posted in three public places on June 24, 2022 for the July 7th Planning Commission meeting.

d.g.

23. ~~A total of 54-67~~ public comments ~~have were been~~ received by the Development Services Office ~~prior to the February 3, 2022 Planning Commission meeting. (see letters posted on the Planning Commission Current Applications Webpage, select 2021—Hollow Ridge RV Campground).~~ The comments are in opposition to the proposed campground proposal, citing a variety of concerns that range from traffic impacts and safety, potential fire hazard, trash, the potential for long-term tenants and crime, decrease of property value and noise from guest activities near Smithfield residential areas.

A letter submitted by previous Mayor Jeff Barnes of Smithfield raises concern that the current water rights associated with the subject property are not applicable to the proposed use. (Note: The applicant is working to convert the water shares from livestock use to an RV campground use, and obtaining additional water rights required for the proposed site plan).

Conditions

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

1. Guest overnight stays must not exceed a total of 30 days within one season or year. Campsite hopping is prohibited, meaning that a guest may not stay up to 30 days in one campsite, and stay additional days in another campsite during the same season.
2. Off-site management and camp host supervision must include the installation of a web-cam that provides visibility of the property for guest use supervision. Management must enforce the campground rules and regulations, and be responsive to guest and nearby resident complaints specific to noted campground rules and regulations, and CUP permit conditions. (*See F-20*)

3. The applicant and operator(s) must abide by the information as provided in the application and the information and conditions as identified in this report. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. Revised site plans must include, but are not limited to, the site improvement plan, site grading, site drainage, parking, and other site details including required setbacks from the property line after the road dedications have been made. *(See A-3)*
4. Prior to recording the permit, the applicant must submit an updated site plan, landscape plan, and associated drawings demonstrating that applicable County Code and State Code standards are applied. The site plan may be amended in the future to show the additional locations of no more 65 total campsites and related features that are compliant with County development standards.
- 4.5. Prior to recording the permit, the site plan and associated drawings and documents must show compliance with State Administrative Rules Applicable to Recreational Vehicle Park Sanitation (R392-301) to meet required public water system and waste water system standards (see Attachment C), as administered by applicable State agencies. State permits approving public water and waste water systems must be submitted with the site plan prior to approval of the site plan.
- 5.6. To reduce dust, the interior roads must consist of a gravel surface treated with dust-reducing spray such as magnesium chloride, pavement, or similar material that reduces dust from the interior roadway. *(See F-21)*
- 6.7. The applicant must obtain a Zoning Clearance and Fire District approval for the proposed site plan and landscape plan. The applicant must provide a water use analysis showing that there is sufficient water rights to service each proposed campsite and to irrigate the new landscape plantings. A final landscape and irrigation plan with sufficient water supply as approved by Staff for minimizing the potential risk of fire. New landscaping plantings must be irrigated and maintained in a healthy condition to prevent dry wood from growing and accumulating.
- 7.8. Fencing delineating the property boundaries must be maintained and/or installed, and signs must be placed on the east side of the property warning campers of the potential hazard of an informally-used gun range located approximately 325 feet to the east. *(See F-14)*
- 8.9. Any fire pits provided at campsites must be in-ground improved metal fire rings with a minimum depth of 12 to 15 inches. Portable propane units are permitted as an alternative to burning wood in a fire pit and all fire pits must provide a full water bucket or fire extinguisher by the camp host for fire suppression *(See F-18)*.
- 9.10. Prior to recording the permit, the applicant must improve the Smithfield Dry Canyon road frontage to a Major Local Road standard consistent with the standards of the Cache County Road Manual. *(See F-19)*
- 10.11. Approval of a Zoning Clearance is required for any proposed signage. Building permits may also be required for signage.
- 11.12. Trash generated from the campground must be picked up regularly to avoid trash from piling above the trash bin lids. The applicant must provide a service agreement letter from a commercial trash collection entity as part of the Zoning Clearance review. *(See E-16)*
- 12.13. Prior to recording the permit, the applicant must submit a stormwater report prepared by a licensed engineer detailing how the proposed development will manage rainfall on-site and prevent the off-site discharge of the precipitation from all rainfall events less than or equal to

the 80th percentile rainfall event or a predevelopment hydrologic condition, whichever is less. The report must be submitted to the Public Works Department for review and approval from the County Engineer. The report must include site improvement plans that include site grading, site drainage, and site details. Written confirmation from the Public Works Department confirming compliance with this requirement must be provided to the Development Services Department. The report must comply with all regulations of the State and Federal governments for construction, reclamation, et cetera, and a copy of any required permitting must be submitted to the Development Services Office. *(See F-17)*

~~13.~~14. Prior to operation, if property contains a portion of a long-term stormwater system component such as, but not limited to, a pond, clarifier, infiltration area, et cetera, must execute a maintenance agreement that operates as a deed restriction binding on the current property owner and all subsequent property owners. Prior to operation, the applicant must provide written confirmation from the Public Works Department to the Development Services Department that this requirement has been met. *(See F-17)*

~~14.~~15. Prior to any land disturbing activities, a Utah Pollutant Discharge Elimination System UPDES construction stormwater permit from the State is required. A copy of the permit, Stormwater Pollution Prevention Plan (SWPPP), and the Notice of Intent (NOI) must be submitted and approved by the Public Works Department. *(See F-17)*

~~15.~~16. The RV Campground use is not permitted to operate prior to final County inspection and approval of all required improvements, as identified in the approved plans or as noted herein.

Conclusions

Based on the findings of fact and conditions noted herein, Staff recommends that the Hollow Ridge RV Campground CUP be approved as follows:

1. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Land Use Ordinance with the listed staff findings and conditions of approval, and;
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.

Hollow Ridge RV Campground Letter of Intent

a). Proposed Use. The proposed use will be a 40-65 campsite, short-term stay, RV campground with electrical, water, and sewer hook ups. The current plan includes 12 “pull thru” and 28 “back in” campsites with inground fire rings. Phase 1 will include the 12 campsites shown on the site plan, closest to Dry Canyon Road. Phase 2 will include the remaining 28 sites, shown on the site plan. Up to an additional 27 campsites may be improved, in Phase 3, to accommodate potential demand. Each campsite will have access to electrical and water hookups. The grounds will be improved with activity areas, including horseshoe pits & pickleball courts available to the public, reserved through management. Landscaping will include collections of quaking aspen for improved aesthetics, decreased light pollution to Smithfield residents, and fire resistance. As per county code 17.07.040: GENERAL DEFINITIONS, tenants may stay up to 30 days or less in the RV campground, precluding campers from “campsite hopping”, consistent with its short term purpose. Strict adherence to this county code and the overlapping Hollow Ridge RV Campground rule will be monitored and enforced by management. See attached proposed Campground Rules.

b). Management. An on site camp host under a lease/employment agreement will manage the campground. The camp host office hours are anticipated to be from 7:00 a.m. to 3:00 p.m. and by appointment or on-call outside of those hours as needed. The manager’s RV will be labeled camp host and will be located in one of the first campsites by the campground entrance. There will be a table in front of the trailer for conducting services and interfacing with guests. No admittance into the RV by guests will be allowed. A local Smithfield resident(s) may be hired for additional timely response, service coverage to guests and who would facilitate the collective interests of the neighboring Smithfield residents. Online reservations will be made on the Hollow Ridge RV Campground website.

c). Hours of Operation. Hollow Ridge RV Campground will be open for tenant access 24 hours a day, 7 days a week. Campground management availability will be 24 hours a day, 7 days a week. The campground will be open from March through November.

d). Traffic and parking. The volume of traffic to and from the campground will be minimal. It is anticipated the average number of daily trips per campsite is 3.16 trips/site, equivalent to traffic to a Recreational/Vacation home, per the Institute of Transportation Engineers (ITE). This is compared to 9.57 trips per day for a single-family home, per the same source. In other words, a Single family home generates over 3 times as many daily trips as a campsite. Another way put, a 40 campsite RV campground would generate, roughly, the same amount of traffic as 13 single family homes. After stabilization, we are open to reassessment of the campground’s traffic impact. Access from main street to the campground by RVs will likely be by 300 S and 600 S via 1000 E, following the historical precedence of the much larger construction equipment coming to and from the Sky View Heights Gravel Pit and to homes under construction off of 300 S and 600 S on the east bench. Each Campsite will have parking for a motorhome/camp trailer and one other vehicle. Additional parking spaces will be provided for visitors.

e). Fencing/Signage. The campground boundary will be delineated by fencing. Signage will include a roughly 4'x8' sign at the entrance from 300 South (Smithfield Dry Canyon Road), an information kiosk with camp rules, small signs designating each campsite, and signs on the east side of the property warning campers of the hazard of the unofficial, formally permitted, but still used, shooting range 2 parcels (over 325 feet) to the east.

f). Equipment. It is anticipated the only equipment on site will be tenant vehicles and garbage/waste trucks on regular pickups.

g). Water. Potable water will be provided to each site designed and intended for recreational vehicle use. A "transient non-community water system" (TNCWS) for use by recreational vehicle park occupants shall be designed, installed, and operated according to the requirements set forth by:

(a) Plumbing Code;

(b) The Utah Department of Environmental Quality, Division of Drinking Water under Title R309;

a

(c) Local health department regulations.

h). Waste and/or garbage. It is anticipated the site will require three 4-yard front load dumpsters for trash management. Guests will utilize individual campsite sewer hook ups to an onsite sewer system, designed, constructed, and maintained according to the requirements set by:

(1) Plumbing Code;

(2) the Utah Department of Environmental Quality, Division of Water Quality;

(3) local health department regulations; and

(4) local sewer district having jurisdiction.

i). Fire. Hollow Ridge RV Campground will follow and abide by all State and County Fire Marshal guidelines. Campfires will only be allowed in the campsite's improved, in-ground fire pit rings when approved by the fire marshal. Smoke pollution is expected to be minimal. Many campers prefer propane flames. Fire resistant quaking aspen trees will be planted around the perimeter. The perimeter will have grass cut regularly and have any downed brush removed. The onsite water well (24 gallons/min. pressure) will be accessible in the unlikely event of a fire affecting/involving the campground. Most RVs also have stored water. The east border of the RV campground parcel is over 325 ft from the Sportsman gun range. The west border of the parcel is flanked by a 35 ft wide gravel road, providing a fire break to Smithfield City. In the unlikely event of a fire, Cache County contracts with Smithfield City for fire response in this region, providing a quicker response time.

j). Security. Campground rules will be strictly enforced with financial penalties, tenancy revoked, and authorities called when necessary. In the unlikely event of security concerns related to tenants from the campground occurring on Smithfield properties, Smithfield police will be dispatched, providing a rapid response for Smithfield residents. The Cache County Sheriff's Office will respond to security concerns occurring in the campground or on neighboring county property.

k). Noise. Enforcement of noise moderation and limitations, including the sensitive time of 10pm to 6am, will be consistent with the NOISE CONTROL ORDINANCE OF THE CITY OF SMITHFIELD. Because electrical hook ups will be provided, noise from generators will not be a concern. Generators will not be allowed to operate unless in the case of a power outage.

Hollow Ridge RV Campground Rules & Regulations

Please have fun and help us ensure that your stay is safe and comfortable by complying with the following resort rules and regulations. We ask that you be considerate of our Smithfield City neighbors by obeying traffic laws and being mindful of pedestrians, especially children as you travel to and from our campground and by protecting and preserving the beauty of the surrounding area. We hope you enjoy your stay and return often.

REGISTRATION: Please notify management of your arrival. We will then escort you to your site. Site fees are for 2 adults per RV. Children 9 and under are free. The fee for additional guests 10 and over is \$3.00 per night. All rents are nonrefundable. We will require a credit card to be kept on file.

CHECK IN / CHECK OUT: Check in time is 2:00 p.m. Check out time is 12:00 p.m. Please contact management before 10:00 a.m. if you wish to extend your stay (A day rate may be charged for late departures). Those desiring a late checkout, please contact the front office the day of your departure to see if a late checkout is available and to pay the associated fee.

SPEED LIMIT: For the safety of all guests, the speed limit is 10 M.P.H. or less throughout the campground & is enforced.

QUIET HOURS: Quiet hours are 10:00 p.m. to 8:00 a.m. Loud, objectionable noise is not allowed at any time. Please be considerate of others. Inconsiderate guests will be asked to leave. Public intoxication or obscene language will not be tolerated. Any parties responsible for loud outbursts or violence will be asked to leave and will be meeting the Cache County Sheriff's Department. No horn honking or leaving a vehicle to idle for more than 5 min. We are a drug-free resort. Management reserves the right to require any guest to vacate the resort for any behavior that disturbs other guests.

WI-FI ACCEPTABLE USE POLICY: Hollow Ridge RV Campground provides free WiFi access to its guests. In compliance with acceptable use policies, our service is not be used for any of the following: illegal or fraudulent use, copyright or trademark infringement, threats or harassment, harm to minors, spamming, hacking, system disruption, impersonation or forgery, abuse of new groups, excessive use of bandwidth, viruses, etc.

RVs: Only well-kept RVs are allowed in the Campground. All vehicles must be up to date with licensing, registration, insurance, be in running condition and used regularly. Vehicles in violation of our rules are subject to towing. Hollow Ridge RV Campground will not be held responsible for the cost of towing. RVs older than the year 2000 must submit a photo for approval. All units must have sleeping facilities, window coverings and approved electrical, water & sewer hookups. We do not allow sleeping in cars nor will we accept converted school buses. Truck Campers are not to be removed from vehicles. Management reserves the right to refuse admission of RV's not meeting campground standards.

VISITORS: Registered guests entertaining visitors are responsible for their conduct and liable for any damages they may cause while in the Campground. Please inform them of our rules and regulations. All visitors must register with management. Visitors will be given a pass and parking assignment. If visitors wish to use the resort facilities a day pass of \$5 will apply.

CHILDREN: We are a family friendly resort and encourage all to take advantage of the wonderful amenities offered. Please remember children are not the responsibility of other residents or management. Parents are fully responsible for the acts and conduct of their children, financial or otherwise.

PETS: Behaved pets are welcome, all others are not. Aggressive dog breeds are not allowed. Pets must be supervised at all times! If outside your RV they must be on a leash! You must clean up after your pet every time it goes outside! Failure to do so will result in immediate lease termination and removal of your RV from the RV campground. Do not tie, chain or tether pets to any posts or trees. Complaints of barking, leash violations, animal waste violations will result in a \$50.00 fine and/or eviction. Pick up stations are provided throughout the campground. Pets are to be kept inside at night and not allowed to be a nuisance to others at any time. Please do not leave pets in your RV unattended. Pets are not allowed on the athletic courts. Management reserves the right to require any misbehaved pets to leave the resort. THERE IS A LIMIT OF 2 PETS PER SITE.

SEWER MANAGEMENT: **State law requires onsite sewer management. Sewer hook ups are provided at each campsite and are expected to be used appropriately.** Tenants who do not follow campground rules by responsibly handling their waste will be removed from the campground and be charged a \$200 fee from their credit card on file.

TRASH: Please place your trash in the provided dumpsters, keeping recyclables in a separate bag. Do not leave trash out overnight. Cigarette butts are trash and should not be discarded on the property grounds, use designated receptacles.

NOT ALLOWED IN CAMPGROUND: Bicycles must have headlights if used after dark. Generators are to be used only in the event of a power outage. Auto work is not allowed in the resort. Unauthorized soliciting or selling is not allowed in the campground. Clotheslines are not allowed due to a safety hazard.

CAMPFIRES and BARBECUES: Campfires are only permitted: #1 in the provided in-ground, improved fire pits on each camp site, #2 when allowed by the fire marshall, and #3 if a bucket of water is next to the fire or a fire extinguisher is readily accessible; portable propane burning/cooking units are permitted – please use common sense for safety purposes and to not cause any fire damage to the site area. Outside barbecues are permitted, please do not place them on picnic tables as they will melt. Place cold coals in a plastic bag and throw them away in the dumpster.

SITE: Fire laws prohibit storage of materials under or around RV's. All residents are responsible to keep their site clean and uncluttered. Nothing should be stored outside your RV, this includes brooms, coolers, storage bins, lumber, rugs that may damage the grass, toolboxes etc. (if you have a question about something ask management). No Flammable items are allowed under RV (i.e. gas cans, paint, propane tanks, hay/straw etc...). If you choose to skirt your RV, it must be with OFFICIAL RV skirting. Foam board, plywood, tarps, etc. are not acceptable forms of skirting. Only official patio or camping furniture and BBQ's are allowed outside. You are responsible for keeping all trash/poop off your site. Unsightly sights are subject to a fine of \$50.00 and/or eviction. If nonflammable items are stored under your RV you must skirt the RV, nothing can be visible. For skirting see 1.13. No clothes lines, dog runs, or storage sheds or auxiliary power units are allowed. Altering or digging into a site is not permitted. Sites must be kept neat and clean at all times. Vehicle washing is not allowed in your RV site or in the campground.

DRUGS/NARCOTIC USE: Use or distribution of any unlawful drugs and narcotics in the Campground is prohibited. We consider the following signs of illegal drug use: Unusual odors, persons who appear to be under the influence of drugs, any activity suggesting use, sales, or delivery of drugs, drug paraphernalia, etc. We report all suspicious drug related behavior to proper officials. Drug related behaviors will result in immediate removal from the campground.

IMPOUND OF RV AND/OR VEHICLE: In the event that you are asked to vacate the premises, or are 10 or more days past due on your rent, we reserve the right to tow your RV and/or vehicles. You, the guest, will incur all related towing costs in addition to past rent owing. In the event that your rent goes unpaid and your vehicle is abandoned for 45 days or more, you agree that Hollow Ridge RV Campground and its management/owners have the right to pursue liens, abandonment titles, or other recourse as allowed by law.

EMERGENCY: For emergencies dealing with the campground call, text or email management. For life-threatening emergencies call 911. To report suspicious activity, please call the Cache County Sheriff's Department at 435-716-9300.

NOTE: This campground is privately owned. Violations of any resort rules and regulations or antisocial behavior which may or may not be covered by these rules and regulations may result in eviction from the campground. We reserve the right to enforce our rules and to refuse to register any undesirable guests or RV's. We reserve the right to evict anyone who does not abide by all of the above rules without further warning. THIS IS YOUR WARNING! If you have questions about any of the rules, please talk to management. Management/owner is not responsible for loss due to fire, theft, vandalism, or any other means nor are they responsible for accidents. Guests are responsible for any damage they may cause to campground property, including utility pedestals and outlets.



113 East Center / P.O. Box 489
Hyde Park, Utah 84318

Phone: 435-563-6507
Fax: 435-563-9029

10/28/2021

Cache County Planning Commission & Staff,

Representing the city of Hyde Park, I, Charles Wheeler, acting mayor of Hyde Park City, wish to express to Cache County the willingness of Hyde Park City's to cooperate with the Hollow Ridge RV Campground development, as it pertains to Hyde Park City's water line easements, with the following conditions:

1. Owner/developer (Whittaker Properties, LLC), will allow Hyde Park City employees/agents access to the parcel (Tax ID: 08-124-0002) and contribute to the cost of potholing, confirming location of Hyde Park City's water line and confirm non use of (ENT 627036 BK 667 PG 823).
2. Before development begins and the Conditional Use Permit is recorded, Hyde Park City must review and approve the final development plan including the grading plan to ensure that any encroachment on city water line easement (ENT 627037 BK 667 PG 823) does not create any hindrances to the access and protection of the City's water line.
3. Owner/developer will grant a public easement within Hyde Park City's active water line easement (ENT 627037 BK 667 PG 823) for a multi-use trail, if Hyde Park does not acquire a new waterline and trail easement to the east of this parcel. The trail easement will be along the east side of the parcel.
4. In the event Hyde Park City decides to move its water line to course completely along the far east side of the parcel, the owner/developer agrees to sign a new easement to protect the adjusted water line and associated public access trail easement within Hyde Park City's easement.

In exchange for these considerations, Hyde Park City agrees to revoke the unused, inactive easement (ENT 627036 BK 667 PG 823) running through the middle of this parcel.

Respectfully,

Charles Wheeler
Hyde Park City Mayor



CACHE • LANDMARK
ENGINEERS • SURVEYORS • PLANNERS

Hollow Ridge RV Campground Traffic Impact Statement

I. Introduction

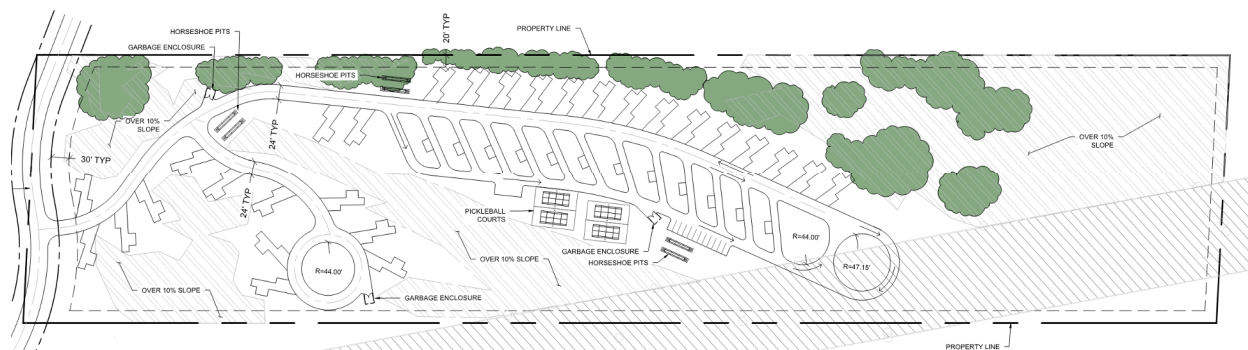
The Hollow Ridge RV Campground is a recreation facility on 20.23 acres of property in the A10 zone, located east of Smithfield City at approximately 1400 East 300 South (Smithfield) on Dry Canyon Rd. The proposed development is located just east of Smithfield City Limits in Cache County. Currently the site is vacant agricultural land. The property is accessed from Dry Canyon Rd. (300 South Smithfield City).

The planned recreational development has 65 campsites each site with an RV parking pad and one additional vehicle parking space at each site. Additional twelve visitor parking spaces are available on site for parking. The purpose for the analysis is to determine how the development will impact traffic and if there is requirement or improvements to mitigate the impacts. It is anticipated that the development would be fully constructed within three to five years and the full buildout of the 60 campsites is used in the analysis.

Figure 1 shows the location of the site.



Figure 2 shows the conceptual site plan.



II. Trip Generation

The Institute of Transportation Engineers (ITE) Trip Generation handbook uses 0.52 trips/site trips for average daily trips. The description for the trips per site number is associated with a campground and recreational vehicle park on a transient basis. This number seems low and is associated with recreational campgrounds in remote areas and seems low for the anticipated Traffic Impact for this type of development. Further traffic studies for RV recreational campgrounds suggest the number of trips/site is 3.16 Average Daily Trips (ADT). This number was used to generate the number of trips for the proposed development of 65 campsites.

Table 1: Trip Generation

Type	Unit	Per Unit ADT	Quantity Proposed	Total ADT
RV Recreational Campground Site	Per site	3.16	65	205.4

III. Traffic Analysis

The Highway Capacity Manual (HCM), 6th Edition, 2016 methodology was used in this study to remain consistent with “state-of-the-practice” professional standards. This methodology has different quantitative evaluations for signalized and unsignalized intersections. For signalized, roundabout, and all-way stop-controlled (AWSC) intersections, the LOS is provided for the overall intersection (weighted average of all approach delays). For all other unsignalized intersections, LOS is reported based on the worst movement. Table 2 shows the LOS range by delay for unsignalized and signalized intersections and accesses.

Table 2: Intersection LOS-Delay Relationship

	Unsignalized	Signalized
Level of Service	Total Delay per Vehicle (sec)	Total Delay per Vehicle (sec)
A	< 10.0	< 10.0
B	> 10.0 and < 15.0	>10.0 and < 20.0
C	> 15.0 and < 25.0	> 20.0 and < 35.0
D	> 25.0 and < 35.0	> 35.0 and < 55.0
E	> 35.0 and < 50.0	> 55.0 and < 80.0
F	> 50.0	> 80.0

The intersection analysis evaluates the performance of each intersection using the measure of performance of delay and level of service (LOS). Table 3 shows the intersection analysis for two intersection 600 S /1000 E and 300 S/ 1000 E. Traffic Counts were completed during the weekday peak hour January 18th ~20th at each intersection. Weekday morning (7:00 to 9:00 a.m.) and evening (4:00 to 6:00 p.m.) peak period traffic counts were performed at each intersection.

The morning peak hour was determined to be between 7:45 and 8:00 a.m., and the evening peak hour was determined to be between 5:00 and 6:00 p.m. The morning peak hour volumes were higher than the morning peak hour volumes. Therefore, the morning peak hour volumes were used in the analysis to represent the worst-case conditions.

Table 3: Intersection LOS-Delay Relationship

Intersection	Existing LOS / Delay (sec)	LOS w/ Project / Delay (sec)
300 S / 1000 E	A / 4.2	A/ 4.3
600 S / 1000 E	A / 5.0	A/5.2

III. Access and Roadway

To access the project the anticipated routes would be from US Highway 91 East on 300 S or 600 S up to Dry Canyon Rd. The proposed site would access Dry Canyon Rd. Dry Canyon Rd. is a narrow two track road that connects to 300 S at the west edge of the proposed site. Dry Canyon Rd. will be required to be improved to Cache County Road Standards for a Minor Local Road to mitigate the impact from the proposed development.

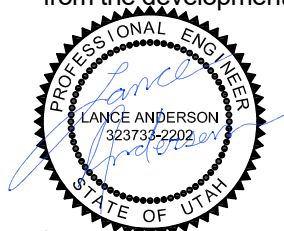
The existing 300 South Street is a 66-foot right-of-way with 37 feet of asphalt with two-way traffic. The existing traffic count on 300 South is 2700 ADT by UDOT traffic counts. 600 South Street is an existing 60 foot right-of-way with 31 feet of asphalt with an ADT of 6,200 from Highway 91 to 800 East. The traffic counts above 800 East are 1500 ADT

The capacity of the existing two roads is above approximately 12,000 ADT. The proposed development will not impact the existing capacity of 300 S Street or 600 S Street. As mentioned in Section II trip generation the anticipated trip generation is 265 ADT for the development.

VII. Conclusions

Based on the projected traffic and analysis of the existing access and nearby intersections, the development is required to improve Dry Canyon Road to a Minor Local Road Standard from the end of the existing 300 S Street pavement in Smithfield to the east edge of the property to accommodate the anticipated traffic from the development.

The existing roadways 300 South Street and 600 South Street have sufficient capacity to meet the Traffic Impact and the proposed development will not require any offsite improvements to meet the anticipated traffic from the development.



Lance Anderson
Principal Engineer

TRAFFIC COUNTS
Thursday

1000 East & 300 South
Smithfield, UT

1/13/2022	1000 E (From South)			From North			From East			From West		
Time (AM)	North (Straight)	West (Left)	East (Right)	South (Straight)	East (Left)	West (Right)	North (Right)	West (Straight)	South (Left)	North (Left)	East (Straight)	South (Right)
7:00 - 7:15	7	0	0	11	0	2	1	0	2	1	0	2
7:15 - 7:30	2	3	0	19	0	3	0	2	1	1	0	3
7:30 - 7:45	3	1	1	20	0	5	0	4	5	1	2	2
7:45 - 8:00	2	2	1	37	0	7	0	2	6	4	1	4
8:00 - 8:15	3	1	0	16	0	2	0	4	2	1	3	3
8:15 - 8:30	12	3	2	13	0	2	0	2	2	1	0	1
8:30 - 8:45	5	5	7	22	0	12	0	6	1	3	3	1
8:45 - 9:00	5	10	5	15	0	12	0	26	3	13	13	6
Bicycles:	0	0	0	0	0	0	1	1	0	0	0	,1
Pedestrians:	3	0	0	2	1	0	1	0	1	1	4	2

1000 East & 300 South
Smithfield, UT

Wednesday												
1/19/2022	From South			From North			From East			From West		
Time (PM)	North (Straight)	West (Left)	East (Right)	South (Straight)	East (Left)	West (Right)	North (Right)	West (Straight)	South (Left)	North (Left)	East (Straight)	South (Right)
4:00 - 4:15	17	0	3	14	0	4	0	4	1	4	0	2
4:15 - 4:30	16	2	3	6	0	2	0	4	3	5	5	1
4:30 - 4:45	16	3	4	6	0	4	1	3	4	5	5	2
4:45 - 5:00	19	0	3	10	1	5	1	4	4	1	4	3
5:00 - 5:15	22	4	3	26	1	5	1	4	0	4	1	2
5:15 - 5:30	20	3	5	13	0	1	0	5	1	4	1	1
5:30 - 5:45	19	1	3	10	0	1	0	2	5	6	2	1
5:45 - 6:00	30	1	4	14	1	1	0	3	0	4	5	1
Bicycles:	0	0	0	1	0	0	0	0	0	1	0	one
Pedestrians:	1	1	0	0	0	2	0	1	0	0	2	0

1000 East & 600 South

Smithfield, UT

Thursday

1/20/2022				1000 E (From North)			600 S (From East)		600 S (From West)		
Time (AM)					East (Left)	West (Right)	North (Right)	West (Straight)	North (Left)	East (Straight)	
7:00 - 7:15					0	15	0	2	9	2	
7:15 - 7:30					0	19	1	7	10	1	
7:30 - 7:45					0	42	0	13	4	7	
7:45 - 8:00					0	66	0	18	17	3	
8:00 - 8:15					0	24	0	12	11	2	
8:15 - 8:30					0	16	0	2	7	6	
8:30 - 8:45					0	20	0	4	4	4	
8:45 - 9:00				0	0	33	1	3	10	2	
Bicycles:					0	0	0	0	0	0	
Pedestrians:				0	0	4	0	0	1	0	

1000 East & 600 South

Smithfield, UT

Tuesday

1/18/2022				1000 E (From North)			600 S (From East)		600 S (From West)		
Time (PM)					East (Left)	West (Right)	North (Right)	West (Straight)	North (Left)	East (Straight)	
4:00 - 4:15					0	13	0	3	21	6	
4:15 - 4:30					1	13	2	6	24	4	
4:30 - 4:45					1	5	0	7	34	5	
4:45 - 5:00					0	20	0	5	23	13	
5:00 - 5:15					0	22	0	6	35	8	
5:15 - 5:30					0	24	0	5	32	10	
5:30 - 5:45					1	16	0	7	30	4	
5:45 - 6:00					0	5	0	3	43	8	
Bicycles:					0	0	0	0	0	0	0
Pedestrians:					0	4	0	0	2	1	



BACKGROUND

This matter came before the Cache County Board of Adjustments (the “Board”) on an appeal of the Cache County Planning Commission’s (the “Commission”) review and decision not to revoke the Hollow Ridge RV Campground’s Conditional Use Permit (“CUP”).

On February 3, 2022, the Commission issued its decision to approve the Hollow Ridge R Campground CUP. The CUP included the following 15 conditions:

1. Guest overnight stays must not exceed a total of 30 days within one season or year.

Campsite hopping is prohibited, meaning that a guest may not stay up to 30 days in one campsite, and stay additional days in another campsite during the same season.
2. Off-site management and camp host supervision must include the installation of a web-cam that provides visibility of the property for guest use supervision. Management must enforce the campground rules and regulations, and be responsive to guest and nearby resident complaints.
3. The applicant and operator(s) must abide by the information as provided in the application and the information and conditions identified in this report. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority.

Revised site plans must include, but are not limited to, the site improvement plan, site grading, site drainage, parking, and other site details including required setbacks from the property line after the road dedications have been made.
4. Prior to recording the permit, the applicant must submit an updated site plan, landscape plan, and associated drawings demonstrating the applicable County Code standards are applied. The site plan may be amended in the future to show the additional locations of no more 65 total campsites and related features that are compliant with County development standards.

5. To reduce dust, the interior roads must consist of a gravel surface treated with dust-reducing spray such as magnesium chloride, pavement or similar material that reduces dust from the interior roadway.
6. The applicant must obtain a Zoning Clearance and Fire District approval for the proposed site plan and landscape plan. The applicant must provide a water use analysis showing that there is sufficient water rights to service each proposed campsite and to irrigate the new landscape plantings. A final landscape and irrigation plan with sufficient water supply as approved by Staff for minimizing the potential risk of fire. New landscaping plantings must be irrigated and maintained in a healthy condition to prevent dry wood from growing and accumulating.
7. Fencing, delineating the property boundaries must be maintained and/or installed, and signs must be placed on the east side of the property warning campers of the potential hazard of an informally-used gun range located approximately 325 feet to the east.
8. Any fire pits provided at campsites must be in-ground improved metal fire rings with a minimum depth of 12 to 15 inches. Portable propane units are permitted as an alternative to burning wood in a fire pit and all fire pits must provide a full water bucket or fire extinguisher by the camp host for fire suppression.
9. Prior to recording the permit, the applicant must improve the Smithfield Dry Canyon road frontage to a Major Local Road standard consistent with the standards of the Cache County Road Manual.
10. Approval of a Zoning Clearance is required for any proposed signage. Building permits may also be required for signage.
11. Trash generated from the campground must be picked up regularly to avoid trash from piling above the trash bin lids. The applicant must provide a service agreement letter from a commercial trash collection entity as part of the Zoning Clearance review.

12. Prior to recording the permit, the applicant must submit a stormwater report prepared by licensed engineer detailing how the proposed development will manage rainfall on-site and prevent the off-site discharge of the precipitation from all rainfall events less than or equal to the 80th percentile rainfall event or a predevelopment hydrologic condition, whichever is less. The report must be submitted to the Public Works Department for review and approval from the County Engineer. The report must include site improvement plans that include site grading, site drainage, and site details. Written confirmation from the Public Works Department confirming compliance with this requirement must be provided to the Development Services Department. The report must comply with all regulations of the State and Federal governments for construction, reclamation, et cetera, and a copy of any required permitting must be submitted to the Development Services Office.
13. Prior to operation, if property contains a portion of a long-term stormwater system component such as, but not limited to, a pond, clarifier, infiltration area, et cetera, must execute a maintenance agreement that operates as a deed restriction binding on the current property owner and all subsequent property owners. Prior to operation, the applicant must provide written confirmation from the Public Works Department to the Development Services Department that this requirement has been met.
14. Prior to any land disturbing activities, a Utah Pollutant Discharge Elimination System UPDES construction stormwater permit from the State is required. A copy of the permit, Stormwater pollution Prevention Plan (SWPPP), and Notice of Intent (NOI) must be submitted and approved by the Public Works Department.
15. The RV Campground use is not permitted to operate prior to final County inspection and approval of all required improvements, as identified in the approved plans or as noted herein.

On February 17, 2022, the Appellants filed an appeal which outlined the following issues: (1) how the Commission acted in violation of pertinent law, (2) how the Commission acted contrary to the County ordinance, (3) how the Commission acted contrary to the facts presented in opposition to the Hollow Ridge RV Campground CUP request, (4) how the Commission acted contrary to principles of fairness and due process, (5) how the Commission approved a CUP for a business that no longer exists, and (6) how the Commission's decision was arbitrary and capricious.

Subsequently, on March 23, 2022, the Commission and Appellee became aware of additional State regulations relating to water and wastewater treatment systems that had not been addressed or considered within the Commission's decision on the CUP. After review of the additional rules, the Commission shared the information regarding regulations with the Appellants. Specifically, the Commission found an apparent conflict between State regulations and conditions of the CUP.

On May 19, 2022, a public hearing was held before the Board. The Appellants—Dry Canyon Neighborhood Watch, Inc. and Thomas L. Johnson—were present and represented by Ted Stokes and Thomas L. Johnson. Additionally, the Appellee—Hollow Ridge RV Campground—was present and represented by Dr. Nathan Whittaker. The Commission, represented by K. Taylor Sorenson, was also present. The hearing was extended multiple times to provide all parties with ample and equal opportunity to speak and provide the necessary evidence.

JURISDICTION AND STANDARD OF REVIEW

Pursuant to the "County Land Use Development and Management Act," Utah Code Ann. § 17-27a-101 *et seq.*, as amended (the "Act") provides that each county may establish an appeal authority and regulations for the appeal of a land use authority's decision. Under the Cache County Code, the County has established the Board as an appeal authority for the land use authority's—the Commission's—decisions.

Using substantial evidence as the standard of review, the Board has the responsibility to determine the correctness of a decision of the Commission in its interpretation and application of land use or subdivision ordinances, code, and regulations. *Cache County Code* § 17.02.060(E).

The Board shall:

- (a) determine the correctness of the land use authority's interpretation and application of the plain meaning of the land use regulations; and
- (b) interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.

Utah Code Ann. §17-27a-707(4). The Appellant bears the burden of proving that a land use authority has erred. *Id.* at § 17.02.060(B-3a). Upon the Board making a decision, it only “takes effect on the date when the appeal authority issues a written decision.” *Id.* at §17-27a-708(1).

SUMMARY OF FINDINGS AND CONCLUSIONS

Where the Appellants bear the burden of proof, each of the Appellants' arguments are addressed as follows:

A. Whitaker Properties, LLC Does Not Exist

Appellants contend that the Commission approved a CUP in favor of a business that no longer exists. However, contrary to that assertion, the evidence demonstrates that Whitaker Properties, LLC is appropriately registered with the State of Utah's Division of Corporations and Commercial Code that is effective until December 31, 2022. Appellant failed to present any other evidence for the Board to consider. Based on this finding, the Board concludes that there was substantial evidence which supported the Commission's decision to issue a CUP to the properly registered Appellee.

B. The Commission Failed to Rely on Pertinent Law and Follow County Code

Appellants next argue that the Commission failed to rely on pertinent law. Appellants contend that a commissioner stated that “because an applicant had paid money for property, the applicant, therefore, would be entitled to have a CUP application approved,” and this is failure to

rely upon pertinent law. Additionally, Appellants argue that several conditions were not put in place because it was “overly burdensome” to the Appellee, rather than the applicable standard.

First, Appellants have taken the commissioner’s statement out of context, and the record actually reflects that the Commission took pains to adhere to applicable law. Utah State Code Ann. §17-27a-506(2)(a)(ii) provides that “a land use authority ***shall approve*** a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards” (emphasis added). Moreover, Utah State Code Ann. § 17-27a-506(2)(a)(iii) provides that “to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require an ***elimination*** of the detrimental effects” (emphasis added). The Utah Land Use Institute training handbook also provides that a denial of a conditional use permit may only issue when it is “shown with documented findings of fact and conclusions of law that the proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards.” Utah Land Use Regulation ‘Ground Rules,’ pp. 81-2.

The Commission held not one, but two public hearings on the CUP on December 21, 2021 and February 3, 2022, prior to entering its decision. At each of these hearings, the Commission questioned Appellee on the detrimental effects of the proposed use for the CUP, and discussed the reasonableness of the proposed mitigations. Specifically, the Commission, based upon the requirements found in the Cache County Code § 17.06.050.B.2, addressed the following in its review of the CUP:

- a. the CUP and conditions imposed are not detrimental to the public health, safety, and welfare of persons residing or working in the vicinity;
- b. the CUP and conditions imposed are compliant with County Code and other applicable agency standards, and consistent with the County General Plan and ordinances and compatible with other nearby uses;
- c. ability for essential services must be reasonably met by local service providers; and
- d. impacts such as odor, vibration, light, dust, smoke, noise, impacts on sensitive areas, and/or disruption of agricultural practices are addressed and/or mitigated.

The Commission reviewed and even modified the recommended CUP, imposing conditions that were reasonable and mitigated the reasonably anticipated detrimental effects. Each of the aforementioned factors was discussed. While a commissioner may have misstated the law when speaking off-the-cuff, contrary to the Appellants' assertion, there is substantial evidence that the Commission did apply and follow the correct and pertinent law.

Second, the Appellants argue that the Commission failed to impose the appropriate conditions because they were "overly burdensome" to the Appellee. Specifically, Appellants argue that pavement for the road and an effective fence were more likely to achieve the desired protection of the public, but were not put in place because of the Commission's fear of being "overly burdensome." However, Appellants fail to acknowledge the entirety of the record. While it is true that paving a road may eliminate the detrimental effect, the law does not require that. As previously stated, Utah State Code Ann. § 17-27a-506(2)(a)(iii) provides that "to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require an *elimination* of the detrimental effects" (emphasis added). Rather, the Commission, based on all the evidence presented, determined that spray on a gravel road would "reasonably mitigate" the anticipated detrimental effect. The Commission did consider whether the mitigation of the detrimental effect would be overly burdensome to the Appellee, but it is not the only basis that was discussed when reaching its decision. Furthermore, Appellants state that the conditions imposed are detrimental to the public's health, safety, and welfare, but fail to provide any evidence to support those assertions, which is their burden. Based on the foregoing, the Board finds and concludes that the Commission did apply and follow the correct and pertinent law.

Notwithstanding the foregoing, the Commission admits that it failed to address State Administrative Rules Applicable to Recreational Vehicle Park Sanitation (R292-301). This regulation was discovered by Cache County Staff ("Staff") after the Commission's decision, on March 23, 2022. Conditions 2 and 3 of the CUP are in direct conflict with this regulation. Staff

immediately notified the Commission, Appellants, and Appellee of the issue. Pursuant to the discovery of the pertinent aforementioned Administrative Rule, the Board finds it appropriate to remand the CUP to the Commission to address any and all inconsistencies between the CUP and State Administrative Rules Applicable to Recreational Vehicle Park Sanitation (R392-301).

C. The Process Used by the Commission Violated both Utah and Federal Standards

Appellants contend that the Commission was involved in ex parte communications with the Appellee, in violation of the Utah and Federal Standards. Specifically, Appellants contend that Staff acknowledged during the hearing and in findings that they directly communicated directly with the Appellee. First, those that are considered “Staff” are not the same individuals that serve on the Commission. While members of the Commission may be employed by Cache County, they are not involved in the application process and were not involved in communications with the Appellee. Commissioners did not meet with the Appellee outside of the noticed public meetings. Second, Appellants, the public, and all interested individuals were given not one, but two opportunities to be heard on the CUP. While Appellants contend that the County’s process substantially impaired individuals other than the Appellee from being heard, Appellants fail to provide any evidence supporting that assertion. Rather, at the hearing before the Board, the Appellants stated that they were at the hearings before the Commission, Appellants’ representatives were able to speak on all issues that were concerning them. Additionally, the record indicates that the Commission read all written communication from the public, Appellants, and any other individuals that reached out. Furthermore, the Appellants fail to demonstrate and put forth evidence supporting the assertion that the County’s Ordinances are in violation of Utah or Federal standards. Based on the foregoing, the Board finds and concludes that the Commission complied with Utah and Federal standards, with the noted exception, and due process was given to all interested individuals.

D. Final CUP Left Off Conditions that the Commission Imposed or that Applicant Had Promised to Do

Here, the Appellants argue that several conditions that appeared to be required by the Commission were conveniently left off the final CUP. However, Appellants failed to meet their burden. Appellants argue that a condition to hire appropriate staff was left off the CUP. However, condition 2 provides that camera surveillance must be installed and “campground rules and regulations” must be followed. In the campground rules and regulations contained within the Appellee’s application and letter of intent, it provides that camp host office hours are anticipated to be from 7:00 am - 3:00 pm and by appointment or on-call outside of those hours as needed. Thus, the Board finds and concludes that the Commission did include the appropriate conditions and did not leave them off.

Appellants’ second argument concerns the condition that addresses on-site dumping, which the Board has already determined must be remanded to the Commission to appropriately address the State regulation it failed to consider previously.

FINAL DECISION

NOW, THEREFORE, based on the foregoing, the Cache County Board of Adjustments remands the Hollow Ridge RV Campground CUP back to the Planning Commission to address any and all inconsistencies between the CUP and the State Administrative Rules Applicable to Recreational Vehicle Park Sanitation (R392-301).

	In Favor	Against	Abstained	Absent
L. Atwood	X			
L. Larson	X			
H. Olsen	X			
K. Olsen	X			
B. Tarbet	X			
Total:	5			

CACHE COUNTY BOARD OF ADJUSTMENTS:

/s/ Leslie Larson*

Leslie Larson, Chair

6/10/2022

Date

*electronically signed by Deputy County Attorney Alisa A. Larsen on behalf of Chair Leslie Larson with written power of attorney and authorization on file.



Cache
County
1857

Attachment B - Appeal Application

Development Services Department

Building | GIS | Planning & Zoning

Application: Appeal

Date Received: 2/17/22	By: [Signature]	Receipt #: 116517	Payment Type/Amount: 2000 - cash
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Information:

Project Name: HOLLOW RIDGE RV CAMPGROUND
 Project Address: APPROX 1400 E. 300S. SMITHFIELD
 Property ID Number(s): 08-124-0002
 Zone: A-10 Acres: 2023 Area:

Agent Contact Information:

Name: LANCE ANDERSON Email: LANCE@CACHELANDMARK.COM
 Phone: 435-760-1622 Mailing Address: 95 W. GOLF COURSE RD. SUITE 101
 LOGAN, UT 84321

Property Owner Contact Information:

Name: WHITTAKER PROPERTIES / NATHAN WHITTAKER Email: NATE@WHITTAKER.COM
 Phone: 435-881-4334 Mailing Address: 3414 N. 800 E. N. LOGAN, UT
 84341

1. Applications are accepted by appointment only.
2. Incomplete applications will not be accepted.
3. Late applications will be held for the next meeting's agenda.
4. The application fee is not refundable.
5. Any information submitted with this application becomes public record and is posted online.

LIST OF PARTIES ATTACHED

The Project Review Process:

- 1) Staff will review the application with the applicant to ensure that the information submitted is sufficient to completely review the project.
- 2) Complete applications are forwarded to the necessary County departments for review and comment. The application, site visits, and department reviews are used in the preparation of the staff report that is presented to the County land use authority and is made available to the applicant, Board/Commission members, relevant staff, and the public and is also posted online at <http://www.cachecounty.org/pz/>.
- 3) Notices are posted in the Herald Journal, mailed to the property owner(s) and surrounding property owners within 300 feet of the project boundary, and posted online at www.cachecounty.org and on Utah.gov's public notice website: <http://www.utah.gov/pmn/index.html>.
- 4) Projects requiring County Council approval are placed on the next available Council Agenda once the Planning Commission has made a recommendation. Staff forwards the staff report, the Planning Commission's recommendation, and any other pertinent information for County Council's review.

2022 Meeting Dates and Application Deadlines					
Planning Commission (1 st Thursday of each month*)		County Council (2 nd & 4 th Tuesday*)		Board of Adjustments (3 rd Thursday of each month)	
Application Deadline 3:00 PM	MEETING DATE 5:30 PM	MEETING DATE 5:00 PM		Application Deadline 3:00 PM	MEETING DATE 6:00 PM
1 Dec 21	6 Jan	11 Jan	25 Jan	30 Dec 21	20 Jan
5 Jan	3 Feb	8 Feb	22 Feb	27 Jan	17 Feb
2 Feb	3 Mar	8 Mar	22 Mar	24 Feb	17 Mar
2 Mar	7 Apr	12 Apr	26 Apr	31 Mar	21 Apr
6 Apr	5 May	10 May	24 May	28 Apr	19 May
4 May	2 Jun	14 Jun	28 Jun	26 May	16 Jun
1 Jun	7 Jul	12 Jul	26 Jul	30 Jun	21 July
6 Jul	4 Aug	9 Aug	23 Aug	28 Jul	18 Aug
3 Aug	1 Sep	13 Sep	27 Sep	25 Aug	15 Sep
31 Aug	6 Oct	11 Oct	25 Oct	29 Sep	20 Oct
5 Oct	3 Nov	8 Nov	22 Nov	27 Oct	17 Nov
2 Nov	1 Dec	6 Dec*	13 Dec*	23 Nov	15 Dec

Appeal - Application Checklist and Acknowledgment:

A completed application must include the following unless specified otherwise:

- 1) ☒ A completed application form and **non-refundable** review fee (cash or check only):
Appeal: \$300
- 2) ☒ A plat map for each property.
- 3) ☒ The legal description with any existing covenants & deed restrictions and current taxation certification for each property.
- 4) ☒ The name(s) and full mailing address(es) for all owner(s) of each property.
- 5) ☒ *If* the owner of record is not the acting agent an agent letter must be included. *Also*, if the owner of record is an LLC, Corporation, or similar, paperwork identifying the owner(s) must be included.
- 6) ☒ A notice of appeal specifying:
 - (i) The decision being appealed and the parties making the appeal.

****Further information may be required by staff, other departments and agencies, and/or the Board/Committee/Council that reviews the application based on the proposed use/development.***

Acknowledgment

I, Thomas L. Johnson the undersigned agent and/or owner of the property acknowledge that I have read and understand the information and requirements presented in this application, and that the information I have provided is accurate and complete.

Signature

Date

Hollow Ridge RV Campground Appeal

Interested Parties:

1. Owner(s): Whittaker Properties (no longer registered with the state)
3414 N. 1800 E.
North Logan
84341
435-881-4334

Nathan Whittaker
3414 N. 1800 E.
North Logan, UT
84341
435-881-4334
nate@whittprops.com

2. Agent: Lance Anderson
95 W. Golf Course Rd. Suite 101
Logan, UT
84321
435-760-1622
lance@cachelandmark.com

3. Appellants: Dry Canyon Neighborhood Watch, Inc.
2072 North Main, Suite 102
North Logan, UT
84341
435-213-4771
ted@stokeslawpllc.com

Thomas L. Johnson
1108 E. 300 S.
Smithfield, UT
84335
505-328-2811
Silveralpine2204@gmail.com



State of Utah
Department of Commerce
Division of Corporations & Commercial Code
Articles of Incorporation (Nonprofit)

This form cannot be hand written.

Important: Read instructions before completing form

Non-Refundable Processing Fee: \$30.00

1. Name of Corporation:	Dry Canyon Neighborhood Watch, Inc.			
2. Purpose:	Protect the interest of home owners living in the area of Smithfield/Dry Canyon.			
3. Who/What is the name of the Registered Agent (Individual or Business Entity or Commercial Registered Agent)?: Stokes Law PLLC				
The address must be listed if you have a non-commercial registered agent. What is a commercial registered agent?				
Address of the Registered Agent: 2072 North Main, Suite 102				
Utah Street Address Required, PO Boxes can be listed after the Street Address				
City: North Logan		State UT		Zip: 84341
4. Name, Signature and Address of Incorporator <small>(attach additional page if there is more than 1 incorporator)</small>	Ted F. Stokes			
	Name			
	2072 North Main, Suite 102		North Logan	UT 84341
	Address		City	State Zip
Signature:		Date: 02/15/2022		
5. Voting Members: The nonprofit corporation <input type="radio"/> will <input checked="" type="radio"/> will not have voting members.				
6. Shares:	The nonprofit corporation <input type="radio"/> will <input checked="" type="radio"/> will not issue shares evidencing membership or interests in water or other property rights.			
	The aggregate number of shares that the nonprofit corporation has authority to issue shall be <input type="text"/>			
	The shares <input type="radio"/> will <input type="radio"/> will not be divided up in to classes.			
	Type 1: <input type="text"/>		Number of Shares: <input type="text"/>	
	Statement: <input type="text"/>			
	Type 2: <input type="text"/>		Number of Shares: <input type="text"/>	
7. Assets: Upon dissolution assets of the corporation will be distributed in a manner consistent with law.				
8. Principal Address:	2072 North Main, Suite 102		North Logan	UT 84341
Address City State Zip				
9. Name and Address of Directors: <small>(attach an additional page if there are more than 3 directors)</small>	1. Ted F. Stokes		Vice President <input checked="" type="checkbox"/>	
	Name		Position	
	2072 North Main, Suite 102, North Logan, UT 84341			
	Address		City	State Zip
	2. Tom Johnson		President <input checked="" type="checkbox"/>	
	Name		Position	
	2072 North Main, Suite 102, North Logan, UT 84341			
	Address		City	State Zip
	3. <input type="text"/>		Select Position from the dropdown <input checked="" type="checkbox"/>	
	Name		Position	
Address		City	State Zip	
Under GRAMA {63G-2-201}, all registration information maintained by the Division is classified as public record.				
Optional Inclusion of Ownership Information: This information is not required.				
Is this a female owned business? <input type="radio"/> Yes <input checked="" type="radio"/> No				
Is this a minority owned business? <input type="radio"/> Yes <input checked="" type="radio"/> No If yes, please specify: <input type="text"/>				

NOTICE OF APPEAL
by
BY DRY CANYON NEIGHBORHOOD WATCH, INC.
and
THOMAS L. JOHNSON

from

CACHE COUNTY PLANNING COMMISSION
APPROVAL OF CUP FOR HOLLOW RIDGE RV
CAMPGROUND

FEBRUARY 3, 2022

INTRODUCTION

In violation of pertinent law, contrary to the County ordinance, contrary to facts presented in opposition to the CUP Application, and in an arbitrary and capricious process that contravenes fundamental principles of fairness and due process, the Cache County Planning Commission approved a CUP in favor of a business that no longer exists. According to the secure.utah.gov website, the official registration for the Applicant, Whittaker Properties, expired as a Utah company on April 3, 2020, and its registration was cancelled. See Documents Attached as Ex. 1.

Appellants are Dry Canyon Neighborhood Watch, Inc., a non-profit corporation formed to protect the interests of residents of Smithfield who live in the immediate vicinity of the proposed RV Campground, and Thomas L. Johnson, a resident of

Smithfield who lives in the immediate vicinity of the proposed development on the street the applicant proposes to use to provide access to the facility.

I. The Planning Commission Failed to Rely on Pertinent Law.

Granting a CUP is not mandatory, as stated by the County Attorney during the initial proceedings but involves limited discretion. Approval is granted only 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.” Utah Code Section 17-27a-506. Thus, the land use authority is authorized to deny the conditional use under applicable standards. In this respect, the statement by a commissioner that because an applicant had paid money for property, the applicant, therefore, would be entitled to have a CUP application approved for any CUP listed in the applicable zoning is a misstatement of law. The applicant must carry his burden of proving that the detrimental effects of the proposed use can be reasonable mitigated. It is not enough for the applicant to show that he spent money hoping to place a conditional use on property, even if the property is zoned to permit such a conditional use. Otherwise, there would be no reason to hold any hearings on conditional use permits if they always are to be granted to someone who spent money to buy the property.

Staff also presented as an issue whether mitigating conditions might be “overly burdensome,” with Commission members and the Applicant interpreting that to mean that the cost of the reasonable conditions that are needed to mitigate the detrimental effects of the project are problematic because they might negatively

affect the profitability of the RV Campground. That is a misapplication of law as to what factors enter into the analysis. The balance to be set is not in how much money the developer needs to expend to make a substantial profit, but whether the duty imposed on the applicant to mitigate the detriment is fairly balanced with “the burdens the proposed development places on community resources.” Ground Rules: Your Handbook to Utah Land Use Regulation. P.108. Thus, the focus is on what must be done to mitigate the detrimental impact of the proposed development; not on the developer’s anticipated profits. If the cost of complying with the law or mitigating a significant danger to public health, safety and welfare means that the specific project becomes too costly for the developer, then public interests outweigh the applicant’s hoped for profit and the CUP should be denied.

During the December Planning Meeting, the Director instructed the commission that conditions should not be overly burdensome, which is true. However, he failed to qualify/clarify his statement to which he should have said, “If the only way to reasonably mitigate the impact is overly burdensome then the CUP may be denied.” It became clear that the improper instruction misguided the Commission and the parties involved. The focus is on the detrimental impact and the reasonableness of the mitigation. On several occasions during the meetings the Commission elected not to apply a condition because it supposed, without evidence, that it might somehow be overly burdensome. The applicant himself acknowledged the misunderstanding when the Applicant stated at the February meeting that being asked to pave the road to reduce dust and to fence the property (which are

necessary to reasonably mitigate the detrimental health and safety effects of his proposal) would be overly burdensome.

Despite a clear acknowledgement from the Commission that pavement and an effective fence were more likely to achieve the desired protection of the public, the Commission withdrew those conditions out of fear of cost and being “overly burdensome.” At minimum, this CUP application should be returned to the Commission, the improper instruction should be qualified/clarified, and the Commission should be allowed to impose conditions under the proper instructions.

As the Commission discussed, no doubt a barbed wire fence is cheaper than other types of fencing, but barbed wire is ineffective at keeping pets in and wildlife out, or in keeping trash from blowing down the canyon, or in protecting sight lines, or in creating an effective barrier against an unregulated and dangerous gun range. A barbed wire fence may delineate a property so that the developer can cheaply hang signs, but it does little to reduce the injurious impacts on health and safety caused by the development.¹

Likewise, the Commission discussed that a chemical compound placed on a gravel road may temporarily reduce dust, but with use it does not last. The band aid

¹ The Applicant's argument that a fence with sharp barbs would be safer to an elderly person seeking to escape a fire than some other form of fence is ludicrous. So also, is the idea that a single water bucket is sufficient to stop a raging fire. Or that an RV campground with 30-day use limitations will help solve a nationwide housing crisis. Or that the existing, broken and trampled down wire fence accomplishes anything at all. Or that the campground will attract doctors and nurses but not pedophiles. Or that a fence will not limit people from jumping over it, but people will gladly read and strictly adhere to pages and pages of legalese in campground rules and regulations. The hyperbole in the Applicant's arguments were far more extreme than the public comments that were referred to as public clamor. Attached to this appeal as Exhibit 2 is a copy of a letter of apology from the Applicant to Ted Stokes with respect to the Applicant's defamatory statements at the second meeting. That letter, combined with the ludicrous rationalizations present by the applicant during the hearing, demonstrate that the applicant has lost his credibility and perspective.

solution does not fully address the detrimental impact to be analyzed, which is the permanent, ongoing dust stirred up again and again. Pavement is far more effective in addressing the detrimental impact of the development, even though it may require a higher up-front cost. However, on both these issues, the improper instruction of staff likely led to neither condition being imposed because the Commission was led to believe that they might be overly burdensome. The analysis of Staff and the Commission must look through the proper lens.

II. The Planning Commission Failed to Comply with County Ordinances.

The applicable county standards for dealing with conditional uses are set forth in Cache County Ordinance 17.06.010 *et seq.* First, the applicant, not the County or the public, has the burden of proving that the application meets all the requirements of the Ordinance. Section 17.06.030. Contrary to the statement that if a person spends money to buy property that allows for conditional uses the person must be granted approval for a conditional use, conditional uses “are not allowed as a matter of right.” Section 17.06.050(B). Indeed, “special consideration” is required to ensure that the design, location, and operation will not interfere with other persons’ “enjoyment of surrounding properties.” *Id.* At no time did the Commission address the effect of the proposed RV park on the “enjoyment” of surrounding residences to the west and north. Section 17.06.050(B)(2).

The Ordinance sets forth two specific standards that must be met by the applicant: (1) not causing unreasonable risks to the health, safety and welfare of persons and property; and (2) compliance with law, specifically that it be

“compatible with existing uses in the immediate vicinity.” *Id.* Neither standard was met in this case.

Located 325 feet from the proposed RV park is an existing, unregulated shooting range. Regulated shooting ranges must comply with “nationally recognized standards and operating practices.” Utah Code Section 47-3-102. The shooting range in Dry Canyon has existed for many years and is not regulated. There are no berms, specified targets, or safety rules of any kind whatsoever. While the Commission considered what might be done to warn RV residents of the unregulated range, it gave no consideration to having the Applicant mitigate the lethal dangers that exist to persons who are in the RV park or campground from such life-threatening dangers as bullets that ricochet into the park, accidental firing of weapons in the direction of the park, or discharge of rifles during transportation, etc.

Even though evidence was presented in the initial hearing that use of the unregulated gun range will increase by reason of the proximity of the trailer park (residents will have few other recreational opportunities besides shooting), the Commission failed to consider what impact that might have in creating an additional fire danger from bullets. Recent costly fires in the area have been caused by gunfire, but no attempt to mitigate this fire risk arising out of the additional anticipated use of the gun range was presented.

With respect to sewage and wastewater from RVs, the Applicant proposed that a Honey Bucket truck make a trip every day or two to empty sewage.

Despite this concession and commitment, the Commission failed to require the Applicant to do just what he offered to do to potentially mitigate the sanitation issues and problems. *See Discussion, infra*, part IV.

In addition, at the final hearing, evidence from a former RV park operator explained that Honey Bucket type trucks are not designed or equipped to attach to and directly empty recreational vehicles. The Applicant had no admissible or credible evidence to rebut this evidence, responding simply that he was told (hearsay) that it could be done. Assuming *arguendo* that Honey Bucket has proper equipment to remove the waste, the Commission failed to include in its Findings and Conclusions a requirement that a commercial enterprise provide waste removal every day or two as the Applicant promised. Considering other misrepresentations by the Applicant, his testimony as to what Honey Bucket will do lacks credibility and/or merit.

With respect to other sanitation issues, the Applicant made no plan for providing sewage facilities for campsites. It is unclear if people can rent space and place a tent on a pad instead of an RV. As noted in the Staff Report, p. 4, a "Campsite" is defined to mean accommodating one party in a single travel trailer, recreational vehicle, or tent." Phase 3 of the project at issue includes "27 campsites." Staff Report, p.2. People in tent campsites (or visitors) have no less need to relieve themselves than people in RVs. The application offered no plan to take care of such human waste. Nor did the Commission impose any mitigating conditions to deal with this potential major health hazard.

III. The Process Used by the Commission Violated Both Utah and Federal Standards.

The Utah Land Use Institute published a Handbook to Land Use Regulation. The Supplement to that Handbook sets forth "15 Basic Rules of Utah Land Use Regulation." Under the heading entitled "Due Process" it states: "Land use authority members should not be involved in ex parte communications with the applicant, those who oppose the application or others." Staff frankly acknowledged during the hearing and in findings that they had met and communicated directly with the Applicant. No meetings were held with those opposed to the CUP. The public's ability to present evidence in opposition was, therefore, severely curtailed. In addition, rather than regard public comments as efforts to provide substantial evidence against the CUP, the Commission severely limited comment at the hearing, viewing comment as mere "clamor." When one attempt was made to correct the minutes so that evidence would be accurately reflected in the record, that person was told to submit that information – but only after the CUP was already approved. One standard on appeal is whether substantial evidence was adduced, but the County's procedures substantially impaired anyone -- other than the applicant -- from making a meaningful presentation of such evidence before it made its decision.

According to the Supreme Court, the minimum requirements of due process are (1) notice; (2) an opportunity to be heard; and (3) an impartial tribunal. *Mullane v. Central Hanover Bank* (1950). The process followed by the County failed to meet two of these minimum requirements. First, the opportunity to be heard is patently

deficient. Important evidence cannot be presented in mere three (3) minute increments. Invitations by the Commission to submit supplemental written evidence was meaningless because such supplemental evidence would be received, as here, only after the Commission already made its decision. Second, a public “hearing” is manifestly defective if the Applicant can meet for hours in private and work out details favorable to the application, but other persons legitimately concerned and opposed to the application are not advised of, much less provided, opportunity to be present in such meetings with the Applicant. The tribunal cannot be impartial if it relies on staff presentations, and staff meets repeatedly with the applicant face to face, by email, or by text, all the while public comment is limited to writings or very abbreviated oral comment after extended backstage developments and discussions, masked from the public, have taken place. Even in the hearings, the applicant is given repeated opportunities to justify and rationalize his position with no limit on time (and as supported by frequent comments from Staff) while part of the opposition’s time is taken up by the Commission discussions and interruptions to talk about time. Administrative law cannot eviscerate constitutional protections.

IV. The Final CUP Strangely Left Off Conditions that the Commission had Imposed or that the Applicant Had Promised to Do.

In what appears to be a mistake, or perhaps something worse, several conditions that appeared to be required by the commission were conveniently left off the final CUP. It may be a mere oversight, but it justifiably leads to public suspicions.

First, Staff reported to the commission that the lack of onsite supervision had been remedied by the willingness of the applicant to hire staff from 7 am to 3 pm. Evidence then was presented that it would be more meaningful if supervision were present during the afternoon and night hours when problems are more likely to arise. Inexplicably, neither time frame was implemented as an actual condition in the final CUP. This promise to the Commission to provide supervision eased the Commission's worry regarding the issue and clearly impacted the resolution of several detrimental impacts. Why staff would not make some on-site supervision a condition after the Applicant expressed willingness to do so is strange. Perhaps the staff deleted it so as to be in line with the staff's apparent incorrect assumption that requiring the applicant to do anything that would require him to spend much money is improper. Hopefully, it was merely a clerical error and suspicions eventually can be alleviated.

Second, Staff and the Applicant spent several minutes during the February meeting discussing the issue of waste dumping. The resolution presented, and the clear picture understood by the public and the Commission, was that Honey Bucket or a similar service would frequent the campsite at least every few days to provide onsite dumping amenities. This was in response to the fact that Staff and the applicant had reported to the Commission that a licensed engineer had conducted a traffic study determining that the use of a waste service such as Honey Bucket would not create a detrimental traffic impact to the surrounding area. Interestingly, the Applicant and Staff did not initially acknowledge the critical fact that the traffic

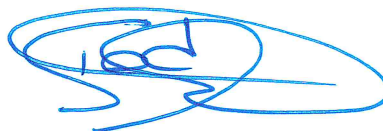
study had been performed by the Applicant and the Applicant's Agent, as opposed to an independent, impartial, and disinterested engineer. It was further discovered that the Applicant himself was the one who claims to have counted vehicles accurately. When these matters came to light during the meeting and the Applicant determined that the Commission was questioning the evidence, the applicant arose and made several false and defamatory representations that, upon demand, he has now corrected. *See* attached Letter Regarding Ted Stokes, Exhibit 2.

However, the final resolution that was presented, and properly understood by all to be the final resolution, was that only onsite dumping of waste through a commercial service would take place. Here again, the staff did not implement this into the final CUP. At a minimum, this CUP application should be returned to the Commission to determine if the Commission meant for onsite commercial dumping to be a condition -- as the record clearly indicates such. Also of interest is the fact that Applicant and/or staff failed to report to the Commission that each onsite dumping would cost approximately \$175 a trailer. To present Honey Bucket as the reasonable mitigation measure during the meeting, only to delete it in the final report is confusing at best and dishonest at worst. The sincerity of the Applicant in proposing Honey Bucket as a solution must be questioned in light of the fact that it is unrealistic that reasonable campers would pay that amount. Such an omission/misrepresentation, however, is consistent with the general *modus operandi* of the applicant in this proceeding.

CONCLUSION

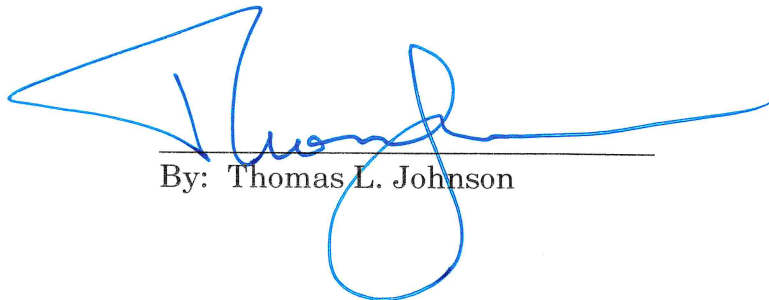
Wherefore, the undersigned respectfully request the Board of Adjustments to reverse the granting of the CUP, or, in the alternative, to remand to the Commission to rehear and reconsider the matter with appropriate and full consideration being given to all parties, not just the applicant.

Dry Canyon Neighborhood Watch, Inc.



By: Ted F. Stokes

Thomas L. Johnson



By: Thomas L. Johnson

WHITTAKER PROPERTIES

Entity Number: 11406978-0151**Company Type:** DBA**Address:** 3414 N 1800 E North Logan, UT 84341**State of Origin:****Registered Agent:** PRINCIPAL OFFICE (FOR SERVICE OF PROCESS)**Registered Agent Address:**

3414 N 1800 E

North Logan, UT 84341

[View Management Team](#)**Status:** Expired**Status:** Expired as of 04/03/2020**Status Description:** Canceled**Employment Verification:** Not Registered with Verify Utah**History**[View Filed Documents](#)**Registration Date:** 08/02/2019**Last Renewed:** N/A**Additional Information****NAICS Code:** 5313 **NAICS Title:** 5313-Activities Related to Real Estate

<< Back to Search Results

Business Name:

EX. 1

Registered Principals

Name	Type	City	Status
WHITTAKER PROPERTIES	DBA	North Logan	Expired

Position	Name	Address	
Registered Agent	PRINCIPAL OFFICE (FOR SERVICE OF PROCESS)	3414 N 1800 E	North Logan UT 84341
Applicant	RINCHLEY JOHNSON REAL ESTATE, LLC	3414 N 1800 E	North Logan UT 84341

If you believe there may be more principals, click here to [View Filed Documents](#)

Business Name:

Nathan Whitaker
75 W 100 S, Ste 160, Logan, UT 84321
435-881-4334
natwhitt@gmail.com

Cache County Development Service Staff
179 N Main & 199 N Main
Logan, UT 84321
tim.watkins@cachecounty.org
chris.harrild@cachecounty.org
angie.zetterquist@cachecounty.org

Cache County Planning Commission
179 N Main & 199 N Main
Logan, UT 84321

Dear Cache County Planning Commission, Development Service Staff, and Residents/Citizens:

I am eager to correct a mischaracterization I made of Ted Stokes while presenting at the podium during the Cache County Planning & Zoning Meeting Thursday, February 3, 2022, at approximately 6:45 pm, 1 hour and 15 minutes into the county's recorded video of that meeting.

Ted and I have known each other since the Spring of 2019 long before my application for a conditional use permit. All of our interactions have always been warm and cordial. He has always been generous with his time in my behalf regarding matters related and unrelated to the conditional use permit. On December 2, 2021, at the first Planning Meeting regarding my conditional use permit application, we shook hands prior to the meeting and wished each other luck despite our differences of opinion. Even after his rousing, yet professional arguments, opposing my application that prompted a standing ovation at the December 2 meeting we exchanged handshakes with respect for each other.

After the December 2 Meeting, Ted reached out to me via a courteous and professional email indicating that if I wanted to, he would attempt to assist me in getting approval for a development that he thought was more congenial with the surroundings—a rural-like development with large acreage. I thanked him for his email and indicated that perhaps our desires were not too far apart.

On the morning of January 20, 2022, I was collecting data, counting cars, pedestrians, and cyclists at the intersection of 1000 East and 600 South in Smithfield for a traffic study requested by the county engineer. Recognizing me, Ted pulled up and got out of his car approaching the passenger side of my truck. As he approached the car, I began to roll down my window as he said with a smile, "I thought that was you," and cordially waved and reached for the locked door handle. I initially thought the meeting would be brief and that's why I rolled down my window, but when he reached for the door handle, I unlocked the car and removed some items from the passenger seat so he could get in and sit down. I was comfortable with him joining me and explained what I was doing. While I was striving to be attentive with the traffic counting and recording, we exchanged pleasantries and spoke of our work experiences, enjoying conversation. Before exiting the truck Ted reiterated his previously discussed willingness to assist me if I wished to develop the land more rurally and indicated as he had done before that he would continue to object to the RV Park or condensed development saying with friendly chuckle, "I'll continue to fight it every step of the way." We shook hands and waved goodbye as he drove off.

Ex. Z

Fast forward to last month's Planning Commission Meeting, which Ted could not attend due to an out-of-town obligation. The words I said at the meeting, in the heat of the moment, defending the integrity of the data collecting efforts, standing at the podium were, "[T]he only time I struggled was when Ted Stokes helped himself into my truck, without invitation, distracting me, threatening me, that if I didn't do what he wanted me to do up on that land that he would fight me all the way, similar to how this attorney threatened you," speaking to the commissioners.

This poorly articulated statement unfairly and inaccurately portrayed Ted and our cordial meeting, leaving way too much room for interpretation. It was not my intent to lead people to believe that he barged into my car without invitation, but my careless choice of words certainly led to that interpretation. Although, it was not the best time for me because I was busy counting cars, I unlocked the door and cleared the items off the seat so he could sit down, clearly making it a consensual and permitted entry into my car.

Furthermore, I never should have used the word "threatened." It was a poor choice of words. One definition of "threaten" is "a statement of intention to inflict pain, injury, damage, or other hostile action on someone in retribution for something done or not done." At no point did I feel physically threatened by Ted or anything he said and in no way did he show hostility toward me. We parted ways on good terms.

Additionally, my statement may have led listeners to believe that Ted was attempting to intentionally distract me from the counting. Such is not the case. We were just having a cordial conversation and all the while I attempted to continue my counting. I should not have said that.

Finally, I realize that by coupling language like "helped himself into my truck without invitation", "distracting me", and "threatening me", led listeners to believe that Ted's actions were aggressive, invasive, and hostile; however, nothing could be further from the truth.

In hindsight, I simply should have requested that we speak at a different time as I was busy counting. I have the utmost respect for Ted and will continue to defend his integrity. I am grateful for the depth of his character, his honesty, his patience with me, and his willingness to give me the benefit of the doubt and an opportunity to correct my error.

I apologize to all those in attendance that night to which my poor choice of words painted an inaccurate picture of what took place. Thank you for your time.

Respectfully,



Nathan D. Whittaker



Cache County Corporation 2022 - Tax Roll Information

08-124-0002

Owner's Name & Address

Owner(s) List (1/1/2022)

Parcel **08-124-0002** Entry **1255273**
Name **WHITTAKER PROPERTIES LLC**
C/O Name
Address **3414 N 1800 E**

City, ST Zip **NORTH LOGAN, UT 84341-8315**
District **028** COUNTY OUTSIDE
Year **2022** Status **TX**

1 WHITTAKER PROPERTIES LLC,
1255273 2169/1370

Property Address

Address
City
Assr. Review **01/24/2020**

PARCEL HISTORY

REMOVE R/W 6/06; REM 2/08-0011;

LEGAL DESCRIPTION FOR 2022

BEG AT SW COR OF NW/4 SEC 36 T 13N R 1E & TH N 120 RDS TO PT 40 RDS S OF NW COR SD SEC 36 TH E 30 RDS TH S 120 RDS TO A PT E OF BEG TH W 30 RDS TO BEG CONT 22.50 AC
LESS: BEG AT SW COR OF NW/4 SEC 36 T 13N R 1E & TH N 120 RDS TO PT 40 RDS S OF NW COR SD SEC 36 TH E 3.030303 RDS (EXACTLY 50 FT) TH S 120 RDS (1980 FT) TO PT E OF BEG TH W 3.030303 RDS (EXACTLY 50 FT) TO BEG CONT 2.27 AC M/B (0011) NET 20.23 AC M/B

PROPERTY INFORMATION

		2021		2022 VALUES WILL BE AVAILABLE AFTER 5/21/2022
		Acres	Market Taxable	
LV	LAND VACANT		80,920	80,920
TOTALS		20.23	80,920	80,920

BUILDING & TAX INFORMATION

2021 (Final Tax Rate: 0.008725)

Taxes: 706.03
Special: + 0.00
Rollback: + 0.00
Penalty: + 0.00
Abatements: - 0.00
Payments: - 706.03

Balance Due: 0.00

Last Payment Date: 11/19/2021

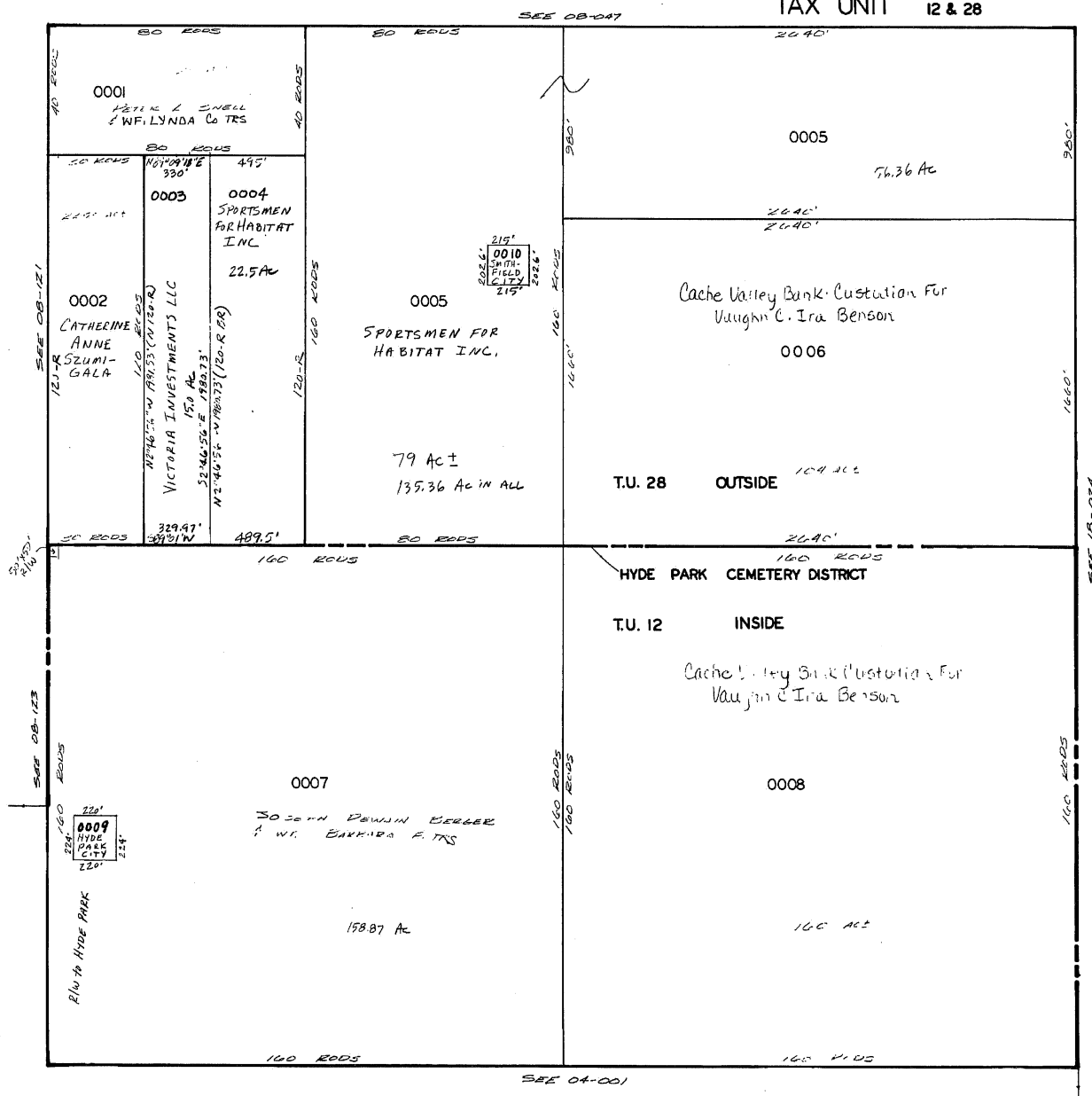
The 2022 property values have not been approved.

BACK TAX SUMMARY

NO BACK TAXES

08-124

TAX UNIT 12 & 28





GIS PARCEL SUMMARY

Not Authoritative — For Preliminary Review Only

Generated on 17 Feb. 2022 at 03:13 PM

Parcel Number: 08-124-0002

Property Address: (Not Available)

Tax Roll Acreage: 20.23

Owner Name: WHITTAKER PROPERTIES LLC

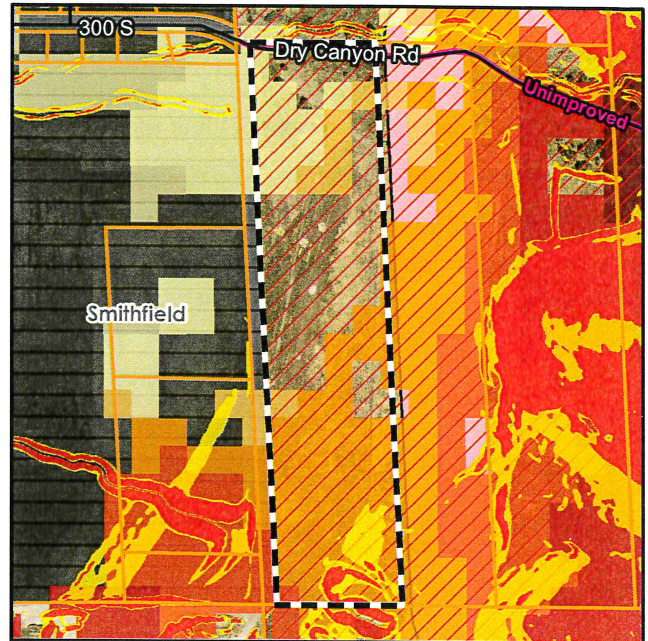
Owner Address: 3414 N 1800 E
NORTH LOGAN, UT 84341-8315

Jurisdiction: Cache County
Future

Annexation Area: Smithfield

Base Zone: A10

Overlay Zone: None



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

Initial Parcel Potentially a **restricted** parcel

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

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

Areas That May Require Further Analysis

County Road Function Class	Steep Slopes	Wildfire Hazard Areas
Encroachment Permit	Wildland-Urban Interface	Ag. Protection Area Buffers
Moderate Slopes		

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

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

PARCEL LEGALITY

Summary

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

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

How the Legality Check Works

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

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

What is a System ID?

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

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



















Limitations















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












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

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

SENSITIVE AREAS

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

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

AREA	LEGEND	IF AREA IS PRESENT:
County Road Function Class		
<p>County Road Functional Classification</p>	 <ul style="list-style-type: none">  Minor Arterial  Major Collector  Minor Collector  Major Local  Minor Local  Major Private  Minor Private  Agricultural Access  Seasonal/Recreation  Unimproved 	<p>The functional classification of a roadway identifies the relative importance of the mobility and access functions for that roadway. Function class also identifies the following;</p> <p>*Minimum Access Spacing: <i>See Table 5.1 Road Manual</i></p> <p>*Right-of-Way (feet): <i>See Table B-6 Road Manual</i></p> <p>*Setbacks of structures: <i>(Table 17.10.040 Dev. Standards)</i></p> <p>§12.02.010: Roadway Standards</p>

Attachment C - State Administrative Rules Applicable to Recreational Vehicle Park Sanitation (R392-301)

R392. Health, Disease Control and Prevention, Environmental Services.

R392-301. Recreational Vehicle Park Sanitation.

R392-301-1. Authority and Purpose.

(1) This rule is authorized under Sections 26-1-5, 26-1-30(9), 26-1-30(23), 26-7-1, and 26-15-2.

(2) This rule establishes minimum standards for the sanitation, operation, and maintenance of a recreational vehicle park, as defined by this rule, and provides for the prevention and control of health hazards associated with a recreational vehicle park that are likely to affect individuals dwelling temporarily therein including risk factors contributing to injury, sickness, death, and disability.

R392-301-2. Applicability.

This rule applies to any person who owns or operates a recreational vehicle park, unless specifically exempted by this rule.

This rule applies to the repair, maintenance, use, operation, and occupancy of recreational vehicle parks designed, intended for use, or otherwise used for temporary human habitation.

R392-301-3. Definitions.

For the purposes of this rule, the following terms, phrases, and words shall have the meanings herein expressed:

(1) "Building Code" means International Building Code as incorporated and amended in Title 15A, State Construction and Fire Codes Act.

(2) "Dependent recreational vehicle" means a recreational vehicle that is dependent upon a service building for toilet facilities, hand washing facilities, or shower or bathing facilities, and is not designed for connection to water, sewer, or electrical utilities.

(3) "Imminent health hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that can cause infection, disease transmission, vermin infestation, or hazardous condition that requires immediate correction or cessation of operation to prevent injury, illness, or death.

(4) "Independent recreational vehicle" means a recreational vehicle equipped with electrical appliances, a water-flush toilet, and a sink and bath or shower which, to be functional, may require connection to outside electrical, water, and sewer utilities.

(5) "Local health officer" means the health officer of the local health department having jurisdiction, or a designated representative.

(6) "Operator" means a person responsible for managing or operating a recreational vehicle park.

(7) "Plumbing Code" means International Plumbing Code as incorporated and amended in Title 15A, State Construction and Fire Codes Act.

(8) "Recreational vehicle" means a vehicular unit, other than a mobile home or tiny house, designed as a temporary dwelling for travel, recreational and vacation use, which is either driven or is mounted on or pulled by another vehicle, including: travel trailer, camp trailer, fifth-wheel trailer, folding tent trailer, truck camper,

or motorhome.

(9) "Recreational vehicle park" or "RV park" means any site, tract or parcel of land on which facilities have been developed to provide temporary living quarters for two or more recreational vehicles. Such a park may be developed or owned by a private, public or non-profit organization catering to the public or restricted to the organizational or institutional members and their guests only.

(10) "Sanitary dump station" means a facility designed:

(a) in accordance with requirements set by Plumbing Code and the Utah Department of Environmental Quality, Division of Water Quality;

(b) to receive the discharge of wastewater from any holding tank or similar device installed in any recreational vehicle; and

(c) to discharge the contents, in an acceptable manner, to an approved wastewater disposal or treatment system.

(11) "Service building" means a structure within a recreational vehicle park that contains toilet, hand sink, and bathing facilities. It may also include laundry facilities, a vending area, or other service type facilities for RV park occupant use.

(12) "Tiny house", for the purposes of this rule, means a dwelling that is 400 square feet or less in floor area, constructed on a chassis with wheels. A tiny house is not a park model recreational vehicle as defined in 41-1a-101 or any other recreational vehicle type as defined in this rule.

(13) "Wastewater" means discharges from all plumbing facilities including rest rooms, kitchen, and laundry fixtures either separately or in combination.

R392-301-4. General.

(1)(a) This rule does not require a construction change in any portion of a RV park if the park was in compliance with the law in effect at the time the park was constructed, except as in Subsection R392-301-4(1)(b).

(b) The local health officer may require construction changes if it is determined the RV park or portion thereof contains an imminent health hazard.

(2) The operator shall carry out the provisions of this rule.

(3) Severability - If any provision of this rule or its application to any person or circumstance is declared invalid, the application of such provision to other persons or circumstances, and the remainder of this rule, shall not be affected thereby.

(4) The operator shall comply with all applicable building, zoning, electrical, health, fire codes and all local ordinances.

(5) The operator shall provide the local health officer with contact information for a park representative who can be available to communicate with the local health officer during all days and times that the RV park is occupied in the event of an imminent health hazard or emergency.

(6) A recreational vehicle park operator or agent shall select or construct a location for the facility that will provide adequate surface drainage. The operator shall make a reasonable effort to locate the facility away from any known existing public health nuisance.

(7) When an operator accommodates dependent recreational

vehicles or tents, the operator shall construct and maintain a service building according to the requirements of Section R392-301-7.

(8) A recreational vehicle or a tiny house may be allowed in a RV Park only when:

(a) a data plate or permanent label is attached to the structure that includes:

(i) name of the manufacturer;

(ii) serial number or vehicle identification number (VIN) of the unit;

(iii) date of manufacture; and

(iv) a statement that the unit is designed and manufactured to NFPA 1192 or ANSI A119.5 standards; and when

(b) it has been certified by the Recreational Vehicle Industry Association; or

(c) it has been inspected by a qualified third-party inspection company and certified to be in compliance with the standards in NFPA 1192 or ANSI A119.5.

(9) An electrical installation in a RV park shall comply with Utah Code Title 15A.

R392-301-5. Water Supply.

(1) Potable water supply systems for use by recreational vehicle park occupants shall be designed, installed, and operated according to the requirements set forth by:

(a) Plumbing Code;

(b) The Utah Department of Environmental Quality, Division of Drinking Water under Title R309; and

(c) Local health department regulations.

(2) The operator shall provide potable water to each site designed and intended for recreational vehicle use.

(a) This provision may be modified with approval by the local health officer if a service building is provided as in Subsection R392-301-4(7).

(b) Where individual water connections are not provided to sites, common-use water faucets shall be accessible to RV park occupants, and located not more than 300 feet from any site. A threaded spigot is prohibited on any such common-use water faucet providing potable water to a site.

(c) The operator shall design and construct the area immediately around a common-use water faucet (i.e. spigot) to promote surface drainage by using a constructed drain system such as a gravel pit, subsurface drywell, French drain, or seepage trench. The operator shall prevent water in this area from flowing into traffic areas and surface waters, or from pooling, standing, or becoming stagnant. This requirement does not apply to water connections in individual sites.

(d) The operator shall protect water systems against the hazards of cross-connection, backflow, and interior surface contamination of attached hoses.

(3) In any recreational vehicle park or portion thereof where it is not feasible to pipe potable water into the area, an alternate supply of potable water may be permitted upon approval of the local health officer.

R392-301-6. Wastewater.

(1) All wastewater shall be discharged to a public sanitary sewer system whenever practicable.

(a) Sewer systems for use by recreational vehicle park occupants shall be designed, installed, and operated according to the requirements set forth by:

- (i) Plumbing Code;
- (ii) The Utah Department of Environmental Quality, Division of Water Quality under Title R317;
- (iii) local health department regulations; and
- (iv) the local sewer district having jurisdiction.

(b) Where connection to a public sewer is not available, wastewater shall be discharged into an approved wastewater disposal system meeting the requirements of Title R317, Environmental Quality, Water Quality, and local health department regulations.

(c) The operator shall submit all required plans for the construction or alteration of a wastewater disposal system in accordance with Title R317 prior to commencing construction or alteration.

(2) The operator shall provide a sanitary dump station unless all sites are connected to an approved sewer system. Unless a local health officer approves other means, the operator shall design and construct the sanitary dump station to include the following:

(a) Easy ingress and egress from a service road for recreational vehicles and located not less than 50 feet from any site;

(b) The sewage inlet surrounded by a curbed concrete apron or trough of at least three feet by three feet, sloped to the inlet, and provided with a suitable hinged cover milled to fit tight;

(c) A means for flushing with pressurized water the immediate area and the recreational vehicle wastewater holding tank(s).

(3) If the operator makes sewer service available to each designated site designed and intended to accommodate independent recreational vehicles, the operator shall design, install, operate, and maintain individual connections to the sewer system according to the requirements set by:

- (a) Plumbing Code;
- (b) the Utah Department of Environmental Quality, Division of Water Quality;
- (c) local health department regulations; and
- (d) local sewer district having jurisdiction.

(4) When the operator makes sewer service available to an individual site, that sewer connection is not subject to the requirements of Subsection R392-301-6(2).

(5) The operator shall provide tight-fitting covers for all sewer risers.

(6) A trap is prohibited between the sewer riser and sewer lateral.

(7) The connection and connecting line between the recreational vehicle drain outlet and the sewer riser shall be watertight and self-draining.

(8) The rim of the sewer riser shall extend not more than 4 inches above adjacent ground surface elevations. Surface drainage shall be directed away from the sewer riser.

(9) The operator shall prohibit dependent recreational vehicles and tents in a recreational vehicle park unless effective means are

provided to collect and contain dishwashing, bathing or other liquid waste material and to properly dispose of these wastes by means approved by the local health officer.

(10) If the operator provides laundering facilities, the equipment shall discharge wastewater as required in Subsection R392-301-6(1).

R392-301-7. Service Building.

(1) All structures used in a recreational vehicle park shall be of permanent construction, meeting the requirements of Building Code.

(2) Each recreational vehicle park in which sites are set aside for dependent recreational vehicles or tents, as in R392-301-4(7), shall be provided with a service building or buildings for the use of park occupants.

(3) Service buildings shall meet the following requirements:

(a) Except as provided in Subsection R392-301-7(3)(b)(i), separate toilet rooms within the service building shall be provided for each sex. These rooms shall be distinctly marked "for men" and "for women" by signs printed in English, or marked with easily understood pictures or symbols.

(b) Each service building shall have one toilet, one hand sink, and one bath fixture for each sex for each 15 sites set aside in Subsection R392-301-4(7), or fraction thereof.

(i) Where a toilet room will be occupied by no more than one person at a time, can be locked from the inside, and contains at least one toilet, separate toilet rooms for each sex need not be provided.

(c) A service building shall be located not less than 15 feet and not more than 500 feet from any site designated for dependent recreational vehicles.

(d) A service building shall be provided with adequate light, heat and ventilation.

(e) A service building shall be properly maintained clean and shall be constructed of smooth, moisture resistant finish materials to withstand frequent washing and cleaning.

(4) The operator shall maintain each service building in a clean and sanitary condition.

(5) Clean individual disposable towels shall be provided near handwashing sinks. Alternate hand drying methods approved by the local health officer may be substituted for individual disposable towels.

(6) The operator shall provide soap and waste receptacles with lids in each service building.

(7) For each toilet room within a service building, the operator shall provide:

(a) toilet tissue in suitable dispensers; and

(b) at least one solid, easily cleanable, covered waste receptacle for the collection of solid waste; or

(c) at least one solid, easily cleanable, uncovered waste receptacle and a sanitary napkin receptacle.

R392-301-8. Operation and Maintenance.

(1) The operator shall maintain all buildings, rooms, and equipment, including furnishings and equipment in RV park areas, and

the grounds surrounding them in a clean and operable condition, free of litter and debris.

(2) Where electric power is available, service buildings shall be equipped with outside lighting to indicate the location and entrance doorways of each.

(3) Where necessary, all reasonable means shall be employed to eliminate or control infestations of vermin, vectors, or pests within all parts of a RV park. This shall include approved screening or other approved control of outside openings in structures intended for occupancy.

(4) The operator shall maintain interior roads and parking areas in a manner that prevents harborage for vermin.

R392-301-9. Food Service.

When food service is provided for RV park occupants, food service, storage, and preparation shall comply with the FDA Model Food Code as incorporated and amended in Rule R392-100 and local health department regulations.

R392-301-10. Solid Wastes.

(1) The operator shall provide adequate containers to prevent the accumulation of solid waste in the RV park.

(2) Solid waste generated at a RV park or picnic area shall be stored in a leak-proof, non-absorbent container, which shall be kept covered with a tight-fitting lid.

(3) All solid wastes shall be disposed with sufficient frequency and in such a manner as to prevent insect breeding, rodent harborage, or a public health nuisance.

R392-301-11. Swimming Pools.

The operator shall comply with Rule R392-302, Design, Construction, and Operation of Public Pools as well as other local health department regulations for all pools or spas made available to RV park occupants or staff.

R392-301-12. Inspections and Investigations.

(1)(a) Upon presenting proper identification, the operator shall permit the local health officer to enter upon the premises of a recreational vehicle park to perform inspections, investigations, reviews, and other actions as necessary to ensure compliance with Rule R392-301.

(b) The local health officer may not enter an occupied recreational vehicle without the express permission of the occupant except when a warrant is issued to a duly authorized public safety officer which authorizes the local health officer to enter, or when the operator and the local health officer determine that there exists an imminent risk to the life, health, or safety of the occupant.

R392-301-13. Closing or Restricting Use of Recreational Vehicle Parks or Sites.

(1) If a local health officer deems a recreational vehicle park, site, space, or portion thereof to be an imminent health hazard, the park, site, or space may be closed or its use may be restricted, as determined by the local health officer.

(2) The operator shall restrict public access to the impacted area of any recreational vehicle park, site, or space closed or restricted to use by a local health officer within a reasonable time as ordered by the local health officer.

(3) It shall be unlawful for an operator to allow the public to utilize any recreational vehicle park, unit, space, or portion thereof that has been deemed unfit for use until written approval of the local health officer is given.

KEY: public health, recreation areas, RV parks, recreational vehicles

Date of Enactment or Last Substantive Amendment: September 10, 2018

Notice of Continuation: November 8, 2016

Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-1-30(9); 26-1-30(23); 26-7-1; 26-15-2

Memorandum:**Proposed Amendments to 17.10.050 Supplemental Standards**

Staff has prepared the following for the Commission's discussion of a possible amendment to section 17.10.050, item A.4.b Floodplain. 7/7/2022.

Current language

17.10.050.A.4.b

Floodplain: Structures built within one hundred feet (100') of the floodplain as identified on the current FIRM maps and identified on the County sensitive area map must show a minimum of one foot (1') of freeboard above the base flood elevation (BFE).

Questions to be addressed

What is the purpose of the floodplain setback?

As noted by FEMA:

"Setbacks may be used to keep development out of harm's way. Setback standards establish minimum distances that structures must be positioned (or set back) from river channels and coastal shorelines. Setbacks can be defined by vertical heights or horizontal distances. Setbacks are not required by the National Flood Insurance Program (NFIP)..."

And to the best of Staff's knowledge, the County's floodplain setback was also adopted to account for the lack of available data on most of the FEMA FIRM maps in the County. These maps do not include the base flood elevation data and are therefore more of a guess than a calculated portrayal of a floodplain. Therefore, an additional distance beyond the identified floodplain boundary was included to provide an additional level of safety.

Do other communities use a floodplain setback?

Research on how other communities address floodplain setbacks has not yet been conducted.

Is a floodplain setback necessary if the calculations have been completed to accurately identify the floodplain boundary?

An additional setback distance may be beneficial, but the preferred distance of that setback may vary. Additional research is needed here.

Other questions?