



5:00 p.m.

Light refreshments served in the County Council Conference Room for Commission Members

5:30 p.m.

Call to order

Opening remarks/Pledge – Kurt Bankhead

Review and approval of agenda

Review and approval of the minutes of the 1 February meeting

5:35 p.m.

Consent Items

- 1. Stratford Ranch Subdivision** – Mr. Branden Reeder, the registered agent for the Stratford Ranch Subdivision, has requested an extension. The subdivision was originally approved by the Planning Commission on 2 February 2023 with an expiration date of 15 March 2024 (based on the date of the 90-day notice). A six-month extension will extend the expiration date to 15 September 2024.
- 2. Mendon Shadow 2nd Subdivision Amendment** – A request to amend an existing 5-lot subdivision by removing an ingress/egress easement on Lots 2, 3, and 4. No new lots are being created or changing in size. The subdivision is located at 5586 W. 675 S., Mendon, with all impacted lots being in the Agricultural (A10) Zone.

Regular Action Items

- 3. Nautica Tower CUP** – A request to create a major Telecommunications Facility (Type 5700) on 5.03 acres located at 1478 W. 1710 S., Hyrum in the Agricultural (A10) Zone with a Public Infrastructure (PI) Overlay Zone.
- 4. Pre-Application Meeting** – Mr. Dallin Riggs has requested a Pre-Application meeting to discuss the requirements, specifically road requirements, related to his potential subdivision application.
- 5. Annual Disclosures/Conflict of Interest**

Board Member Reports

Staff reports

Adjourn



Planning Commission Minutes

1 February 2024

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3. Aspen Springs Storage Conditional Use Permit	2
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5. Annual Disclosures/Conflict of Interest	3

1 **Present:** Angie Zetterquist, Stephen Nelson, Conner Smith, Brady Christensen, Nate Daus, Jay Rigby,
2 Jason Watterson, Chris Sands, Nolan Gunnell, Megan Izatt

3 **5:00:00 PM**

4 Light refreshments served in the Cache County Conference Room.

5 **Start Time: 05:32:00**

6 **Daus** called the meeting to order and **Gunnell** gave the opening remarks.

7 **05:33:00**

8 **Agenda and Minutes**

9 *Watterson* motioned to approve the agenda and minutes from January 4, 2024; **Rigby** seconded; **Passed**
10 **5, 0.**

11 **05:34:00**

12 **Consent Items**

13 **#1 Ohana Mauna Subdivision 1st Amendment**

14 **#2 Old Canyon Subdivision 1st Amendment**

15 *Watterson* motioned to approve the 2 consent items; **Riby** seconded; **Passed 5, 0.**

16 **05:35:00**

17 **Regular Action Items**

18 **#3 Aspen Springs Storage Conditional Use Permit**

19 **Zetterquist** introduced Conner Smith.

20 **Zetterquist** reviewed the staff report for the Aspen Springs Storage Conditional Use Permit (CUP).

21 **Staff** and **Commissioners** discussed lighting and dark sky compliance, and fire suppression.

22 *Sands* motioned to approve the Aspen Springs Storage Conditional Use Permit with 16 conditions and 3
23 conclusions; *Watterson* seconded; **Passed 5, 0.**

24 **05:48:00**

25 **#4 Discussion: 2024 Code Amendment Priorities**

26 **Nelson** reviewed the list of suggested 2024 code amendment priorities.

1 **Staff** and **Commissioners** discussed private roadway standards, flag lots, grandfathering old lots, resort
2 development standards, short term rentals, detached accessory dwelling units (ADUs), living on property
3 while home is under construction, Campgrounds/RVs on property, identifying potential gravel pit areas,
4 and noise ordinances.

5 **Phillips** informed the Commissioners that there is policy regarding private roads not becoming county
6 roads.

7 **Staff** and **Commissioners** discussed the road manual and bringing that before the Commissioners, zoning
8 around Clarkston, how to regulate reservoirs and hydroelectric projects, civil code updates, and
9 protecting animal habitat.

10 **06:44:00**

11 **#5 Annual Disclosures/Conflict of Interest**

12 **Nelson** reviewed the disclosure/conflict of interests' information.

13 **Nelson** informed the Commissioners that Angie Zetterquist has been hired as the Planning Manager and
14 Conner Smith will take on more planning duties as well.

15 **06:54:00**

16 **Adjourned**

ITEM #1
STRATFORD RANCH SUBDIVISION
EXTENSION REQUEST

Memorandum

7 March 2024

To: Planning Commission

Subject: 6-month time extension request for the proposed Stratford Ranch Subdivision

A request has been made by Braden Reeder, the agent for the Stratford Ranch Subdivision, for a 6-month extension of the effective period of approval to create a 2-lot subdivision on 156.56 acres located at 12300 South Canyon Road, near Paradise, on a split Forest Recreation (FR40) and Agricultural (A10) Zone.

The subdivision was approved with conditions by the Planning Commission on 2 February 2023. The effective approval date for a subdivision approval is one year; subsequently, the current expiration date for the approval is 15 March 2024, based on the date of the 90-day notice. If the plat is not recorded by the expiration date, the approval and plat is void and the file closed.

Before a plat can be recorded, all conditions of approval must be met or, as necessary, an improvement agreement for required infrastructure must be in place. As of this date, the applicant still has outstanding conditions of approval. The applicant has been working to meet the conditions of approval including site improvements, but needs additional time to complete the conditions.

In 2018, §17.02.050, Effective Period of Land Use Authority Approval, was amended to allow an approval of an administrative land use decision to be extended up to six (6) months at the discretion of the land use authority (§17.02.050(F)). The same code update to Title 17.02 also changed the land use authority for subdivision approvals from the County Council to the Planning Commission in §17.02.030 (Establishing Land Use Authority Duties, Authorities, and Powers). Consequently, the Planning Commission is the land use authority with the power to consider this extension request.

Section 17.02.050(F)(2), specifies that the applicant bears the burden of proving the conditions justifying an extension have been met and the land use authority may approve an extension request only if:

- “a. The reason for the request is not economic.
- b. The applicant has shown a clear pattern of working to record the plat or permit throughout the entirety of the approval period.”

The submitted request for a time extension provides the following reasoning:

1. The remaining conditions for the subdivision are in process, but a current process to change the code would benefit their situation and ability to meet the minimum development standards.

Staff recommends that the Planning Commission approve this request to extend the effective date of approval to **15 September 2024**, six months from the date of the 90-day notice, the full 6-month time extension allowed per code, as:

1. The request for a time extension complies with the requirements of §17.02.050(F) and the applicant has shown a clear pattern of working to record the plat through the approval period.

Rec'd 1/31/24

\$225

Rept 19421

1.31.2024

To Land use Authority and Planning commission

I am requesting an extension of Stratford Ranch Subdivision. We are currently working through engineering details to accommodate a structure, which requires outsourcing of engineering. We have full intentions of finishing and recording the Stratford Ranch Subdivision. We have shown a clear pattern of working to record the Plat and permit throughout our approval period. The majority of the construction work is completed, including roads, swells, retention areas, asphalt approach off of county road, bridge weight limit signs. Matt Phillips has even been onsite to inspect. I also have had communication with Matt Phillips in his office with Shuan Dustin to figure out the necessary steps we need to take. We are just tweaking a few of the lot lines to accommodate the structure. And adjust for the natural water way that is present.

My understanding is the code allows at the discretion of the Land Use authority and planning commission and extension of the effective period for up to 6 months beyond the 1 year period of the original approval.

I have included a check for the \$225 fee to extend. And am hoping I can be put on the planning commission meeting to make the March Planning commission.

Let me know if you have any questions. Thanks

Braden Reeder

Registered agent. Stratford Ranch Subdivision.

435-770-4715

Bradenreeder@gmail.com

ITEM #2
MENDON SHADOW SUBDIVISION
2ND AMENDMENT

Staff Report: Mendon Shadow Subdivision 2nd Amendment

7 March 2024

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: Jonathan Hancey

Parcel ID#: 11-009-0022, -0023, -0024

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

Project Location

Reviewed by Conner Smith

Project Address:

675 S. 5580 W.,
Mendon, UT 84325

Current Zoning:

Agricultural (A10)

Acres: 12.38

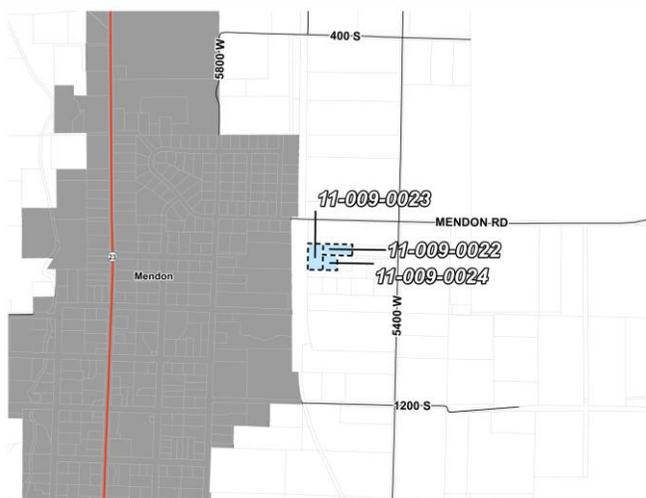
Surrounding Uses:

North – Agricultural

South – Agricultural/Residential

East – Agricultural/Residential

West – Agricultural/Residential



Findings of Fact

A. Request description

1. The Mendon Shadow Subdivision 2nd Amendment is a request to remove an ingress/egress easement located on Lots 2, 3, and 4. The proposed amendment will not increase or reduce the size of any lots or the subdivision boundary area of the Mendon Shadow Subdivision.

B. Parcel legality

2. The subject properties are legal as they are in the same size and configuration as the approved Mendon Shadow Subdivision 1st Amendment recorded on November 20, 2008.

C. Authority

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

D. Culinary water, septic system, and storm water

4. §16.04.080 [A] Water Requirements – Additional water rights are not required as part of this subdivision amendment, as no new buildable lots are being created.
5. §16.04.080 [B] Sewage Requirements – As no new lots are proposed as part of this subdivision amendment, there is no requirement to confirm septic feasibility from the Bear River Health Department.
6. §16.04.070 Storm Drainage Requirements – Compliance with State Stormwater Detention is not required as no new buildable lots are being proposed.

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. A basic review of the access to the existing subdivision identifies the following:
 - a. Access to the subdivision is from 675 S., a private road, off of 5400 West.
 - i. No access improvements are required as no new buildable lots are being created.

F. Service Provision

14. §16.04.080 [C] Fire Control – The County Fire District requested that a no parking sign be posted on the remaining easement as a Fire District/EMS turnaround. *See condition #2*
15. §16.04.080 [F] Solid Waste Disposal – Solid waste disposal service is not applicable to this amendment request.

G. Sensitive Areas

16. §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 #3*

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

17. Public notice was posted online to the Utah Public Notice Website on 23 February 2024.
18. Notices were posted in three public places on 23 February 2024.
19. Notices were mailed to all property owners within 300 feet of the subject properties on 22 February 2024.

20. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

Conditions

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

1. Prior to recording the plat, all redlines on the preliminary plat from the County Surveyor, County Engineer, and Development Services must be addressed and reviewed for final approval.
2. Prior to recording the plat, a no parking sign must be posted on the remaining easement to identify it as a Fire District/EMS turnaround. **(F-14)**
3. Prior to issuance of a zoning clearance, additional analysis and review may be required for the sensitive areas present on the subject property depending on the location of future development. **(G-17-a)**

Conclusions

Based on the findings of fact and conditions noted herein, staff recommends approval of the Mendon Shadow Subdivision 2nd Amendment as:

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

Mendon Shadow Subdivision Second Amendment

A PART OF THE SOUTHWEST QUARTER OF SECTION 4, T11N, R1W, S.L.B.&M.
MENDON, CACHE COUNTY, UTAH
AMENDING THE 66 FOOT WIDE RIGHT-OF-WAY AND THE SETBACKS OF LOTS 2, 3 AND 4
OF MENDON SHADOW SUBDIVISION AMENDED



January 29, 2024

GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft.

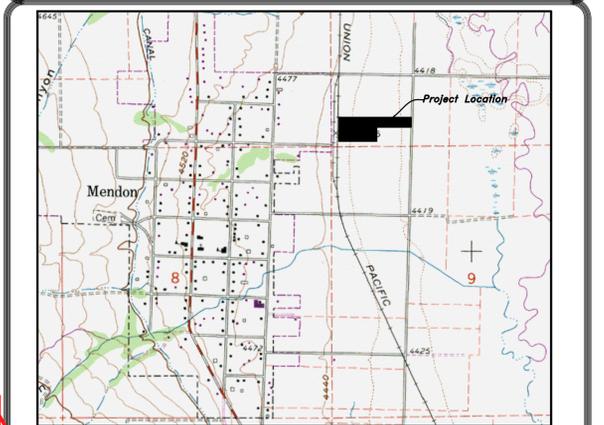
Description does not close.

SURVEYOR'S CERTIFICATE
I, JEFF C. NIELSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 5152661 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS HEREAFTER TO BE KNOWN AS: MENDON SHADOW SUBDIVISION SECOND AMENDMENT AND THE SAME HAS BEEN CORRECTLY SURVEYED AND ALL STREETS ARE THE DIMENSIONS SHOWN.

Second Amendment Subdivision Boundary

A PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 11 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE OREGON SHORT LINE RAILROAD LOCATED NORTH 0°03'39" EAST 638.81 FEET AND SOUTH 89°56'21" EAST 230.13 FEET FROM THE SOUTHWEST CORNER OF THE SAID SOUTHWEST QUARTER; RUNNING THENCE NORTH 0°03'39" EAST 387.78 FEET ALONG THE SAID RIGHT-OF-WAY LINE TO AN EXISTING FENCE LINE AND THE NORTH LINE OF MENDON SHADOW SUBDIVISION AMENDED; THENCE SOUTH 88°54'39" EAST 657.74 FEET ALONG SAID NORTH LINE TO THE NORTHWEST CORNER OF LOT 1 OF THE MENDON SHADOW SUBDIVISION AMENDED; THENCE SOUTH 01°10'48" WEST 166.74 FEET ALONG THE WEST LINE OF SAID LOT 1 TO THE NORTHEAST CORNER OF LOT 5 OF SAID SUBDIVISION; THENCE RUNNING ALONG SAID LOT 5 THE FOLLOWING TWO (2) COURSES:
(1) NORTH 88°34'16" WEST, A DISTANCE OF 218.41 FEET;
(2) SOUTH 00°55'04" WEST, A DISTANCE OF 222.31 FEET TO THE SOUTH LINE OF SAID SUBDIVISION; THENCE NORTH 88°34'16" WEST 434.77 FEET ALONG THE SAID SOUTH LINE TO THE POINT OF BEGINNING. CONTAINING 4.72 ACRES AND 3 LOTS.

ALL LOTS IN THIS SUBDIVISION ARE TOGETHER WITH AND SUBJECT TO THE FOLLOWING INGRESS-EGRESS AND UTILITY EASEMENTS: A PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 11 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY LINE OF 5400 WEST STREET LOCATED NORTH 0°03'39" EAST 638.81 FEET AND SOUTH 89°56'21" EAST 230.13 FEET AND SOUTH 88°54'39" EAST 652.17 FEET AND NORTH 01°10'48" EAST 221.01 FEET AND SOUTH 88°34'16" EAST 660.01 FEET FROM THE SOUTHWEST CORNER OF THE SAID SOUTHWEST QUARTER AND RUNNING THENCE NORTH 88°34'16" WEST, A DISTANCE OF 660.01 FEET; THENCE SOUTH 01°10'48" WEST, A DISTANCE OF 33.00 FEET; THENCE NORTH 88°34'16" WEST, A DISTANCE OF 398.52 FEET; THENCE NORTH 01°10'48" EAST, A DISTANCE OF 66.00 FEET; THENCE SOUTH 88°34'16" EAST, A DISTANCE OF 1058.53 FEET; THENCE SOUTH 01°10'48" WEST, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1.104 ACRES.



OWNER'S DEDICATION

THE UNDERSIGNED, BEING ALL OWNERS OF RECORD OF THE ABOVE-DESCRIBED PARCEL OF LAND DO HEREBY SUBMIT SAID PARCEL OF LAND TO BE SUBDIVIDED AND KNOWN AS MENDON SHADOW SUBDIVISION.

_____, HAVE EXECUTED THIS PLAT AND DEDICATION THE _____ DAY OF _____, 2024.

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF CACHE) SS.
THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC THIS _____ DAY OF _____, 20____, BY _____, WHO PROVED ON BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THIS INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC _____

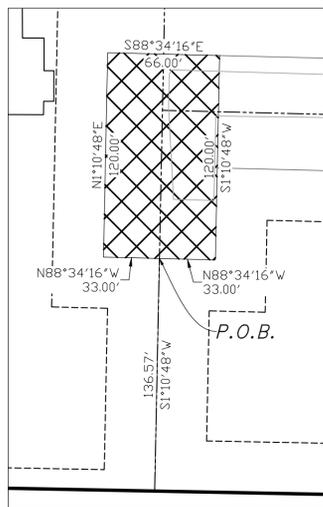
COUNTY RECORDER'S NO.

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

THE PURPOSE OF THIS AMENDMENT WAS TO ADJUST THE SETBACKS ON LOTS 2, 3 AND 4 AND SHORTEN THE 66.00 FOOT WIDE RIGHT-OF-WAY EASEMENT.

66.00 Foot Wide Right-Of-Way Easement

LOTS 2, 3 AND 4 IN THIS SUBDIVISION ARE SUBJECT TO THE FOLLOWING 66.00 FOOT WIDE INGRESS-EGRESS AND UTILITY EASEMENT: A PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 11 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT A POINT NORTH 0°03'39" EAST 638.81 FEET AND SOUTH 89°56'21" EAST 230.13 FEET AND SOUTH 88°54'39" EAST 220.64 FEET AND NORTH 01°10'48" EAST A DISTANCE OF 136.57 FEET FROM THE SOUTHWEST CORNER OF THE SAID SOUTHWEST QUARTER AND RUNNING THENCE NORTH 88°34'16" WEST, A DISTANCE OF 33.00 FEET; THENCE NORTH 01°10'48" EAST, A DISTANCE OF 120.00 FEET; THENCE SOUTH 88°34'16" EAST, A DISTANCE OF 66.00 FEET; THENCE SOUTH 01°10'48" WEST, A DISTANCE OF 120.00 FEET; THENCE NORTH 88°34'16" WEST, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.18 ACRES



66.00 Foot Wide Right-Of-Way Easement Detail

GENERAL NOTES:

- Cache County has not determined the availability and 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 any building permits.
- Storm Drainage: No increased level of storm water drainage shall be allowed to flow from any portion of any lot or remainder parcel of this subdivision to any adjacent properties, ditches, canals, or waterways nor may any existing, historic, or natural drainage be altered without prior written authorization provided by the affected party or entity (may include but is not limited to: adjacent property owners, ditch or canal company, Cache County or the State Water Engineers Office.)
- Present and future property owners must be aware that they will be subject to the sights, smells, and sounds of agricultural activities which are the permitted uses in the agricultural zone.
- Setback lines are for primary buildings only.
12.00' on sideyard.
30.00' on frontyard.
30.00' on backyard.
30.00' on sideyard along roadway.
- Private Road Notes:
(a) The private roads 675 South Street shall be maintained to county standards (including snow removal) by the lot owners using the private roads for access.
(b) The private road is not dedicated to Cache County and no maintenance or snow removal is provided by the County on the private roads.

Add note to 66-foot easement that this is a fire turnaround and no parking is permitted.

Show all corners as being set.

Fix text overlaps in multiple locations.

This easement has been removed.

Show easements from title report Schedule B, Part II - Exceptions, Book 8 Page 267, E#986039, and E#1326512.

Add note that these are also utility easements.

Add dedication for right of way easement and utility easement.

Add names under signature area.



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

Project No. 24-013
Prepared by JH, 1/29/24

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF CACHE) SS.
THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC THIS _____ DAY OF _____, 20____, BY _____, WHO PROVED ON BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THIS INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC _____

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COUNTY OF CACHE) SS.
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WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC _____

UTILITY COMPANY APPROVALS

THE UTILITY EASEMENTS SHOWN ON THIS PLAT ARE APPROVED	DATE
ROCKY MOUNTAIN POWER	_____
COMCAST	_____
QUESTAR GAS	_____
QWEST	_____

DEPUTY COUNTY SURVEYOR'S CERTIFICATE

I CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED 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 COUNTY ORDINANCE AND STATE LAW.

DEPUTY COUNTY SURVEYOR _____ DATE _____

CACHE COUNTY PLANNING COMMISSION

THIS PLAT WAS RECOMMENDED FOR APPROVAL/DENIAL BY THE PLANNING COMMISSION ON THE _____ DAY OF _____, 20____.

DATED THIS _____ DAY OF _____, 20____.

BY: _____ CHAIR

COUNTY ATTORNEY APPROVAL

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

DATE _____

CACHE COUNTY ATTORNEY _____

BEAR RIVER HEALTH DEPT. APPROVAL

THE SUBDIVISION DESCRIBED IN THIS PLAT HAS BEEN APPROVED BY THE BEAR RIVER HEALTH DEPARTMENT THIS _____ DAY OF _____, 20____.

BY: _____ TITLE: _____

Mendon Shadow Subdivision Second Amendment

A PART OF THE SOUTHWEST QUARTER OF SECTION 4, T11N, R1W, S.L.B.&M.
MENDON, CACHE COUNTY, UTAH
AMENDING THE 66 FOOT WIDE RIGHT-OF-WAY AND THE SETBACKS OF LOTS 2, 3 AND 4
OF MENDON SHADOW SUBDIVISION AMENDED



February 26, 2024

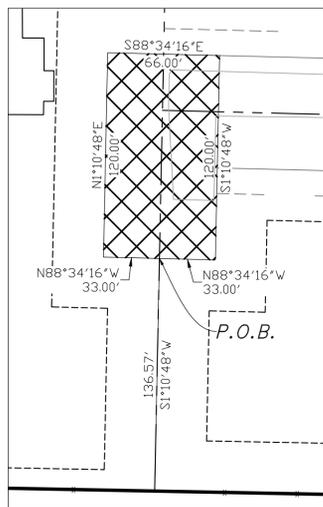
GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft.

THE PURPOSE OF THIS AMENDMENT WAS TO ADJUST THE SETBACKS ON LOTS 2, 3 AND 4 AND SHORTEN THE 66.00 FOOT WIDE RIGHT-OF-WAY EASEMENT.

66.00 Foot Wide Right-Of-Way Easement

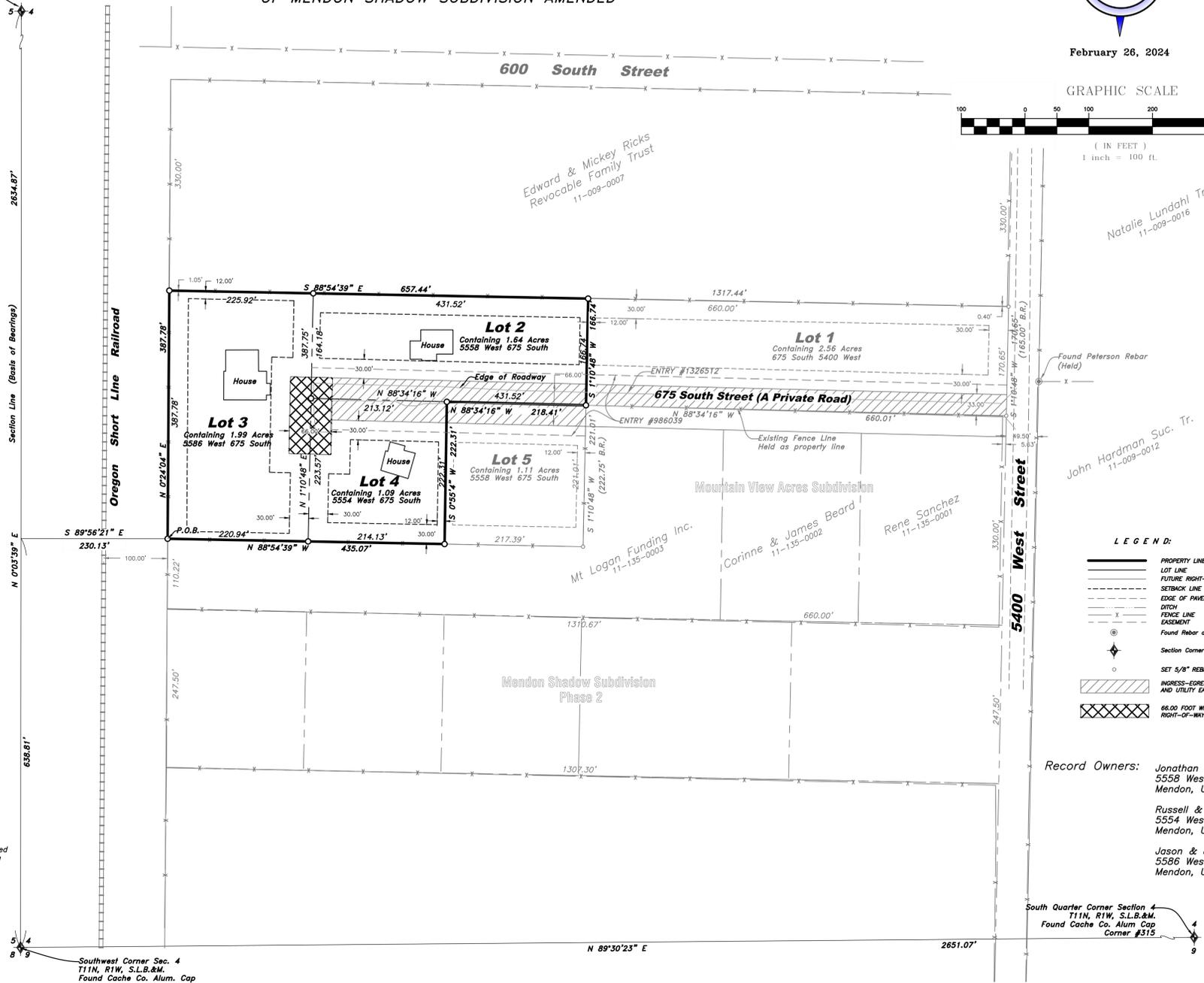
LOTS 2, 3 AND 4 IN THIS SUBDIVISION ARE SUBJECT TO THE FOLLOWING 66.00 FOOT WIDE INGRESS-EGRESS AND UTILITY EASEMENT: A PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 11 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT A POINT NORTH 0°03'39" EAST 638.81 FEET AND SOUTH 89°56'21" EAST 230.13 FEET AND SOUTH 88°34'16" EAST 220.64 FEET AND NORTH 01°10'48" EAST A DISTANCE OF 136.57 FEET FROM THE SOUTHWEST CORNER OF THE SAID SOUTHWEST QUARTER AND RUNNING THENCE NORTH 88°34'16" WEST, A DISTANCE OF 33.00 FEET; THENCE NORTH 01°10'48" EAST, A DISTANCE OF 120.00 FEET; THENCE SOUTH 88°34'16" EAST, A DISTANCE OF 66.00 FEET; THENCE SOUTH 01°10'48" WEST, A DISTANCE OF 120.00 FEET; THENCE NORTH 88°34'16" WEST, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.18 ACRES



66.00 Foot Wide Right-Of-Way Easement Detail

GENERAL NOTES:

- Cache County has not determined the availability and 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 any building permits.
- Storm Drainage: No increased level of storm water drainage shall be allowed to flow from any portion of any lot or remainder parcel of this subdivision to any adjacent properties, ditches, canals, or waterways nor may any existing, historic, or natural drainage be altered without prior written authorization provided by the affected party or entity (may include but is not limited to: adjacent property owners, ditch or canal company, Cache County or the State Water Engineers Office.)
- Present and future property owners must be aware that they will be subject to the sights, smells, and sounds of agricultural activities which are the permitted uses in the agricultural zone.
- Setback lines are for primary buildings only.
12.00' on sidewalk.
30.00' on frontyard.
30.00' on backyard.
30.00' on sidewalk along roadway.
- Private Road Notes:
(a) The private roads 675 South Street shall be maintained to county standards (including snow removal) by the lot owners using the private roads for access.
(b) The private road is not dedicated to Cache County and no maintenance or snow removal is provided by the County on the private roads.
- The 66 foot wide Right-Of-Way Easement is also a turnaround for emergency vehicles and no parking is permitted on the Right-Of-Way.



LEGEND:

- PROPERTY LINE
- LOT LINE
- FUTURE RIGHT-OF-WAY LINE
- SETBACK LINE
- EDGE OF PAVEMENT
- DITCH
- FENCE LINE
- EASEMENT
- Found Rebar and Cap
- Section Corner
- SET 5/8" REBAR W/ CAP
- INGRESS-EGRESS RIGHT-OF-WAY AND UTILITY EASEMENT
- 66.00 FOOT WIDE RIGHT-OF-WAY AND UTILITY EASEMENT

Record Owners:
Jonathan & Teralee Hancey
5558 West 675 South
Mendon, Utah 84325
Russell & Kimberlee Brown
5554 West 675 South
Mendon, Utah 84325
Jason & Jeri McKellar
5586 West 675 South
Mendon, Utah 84325

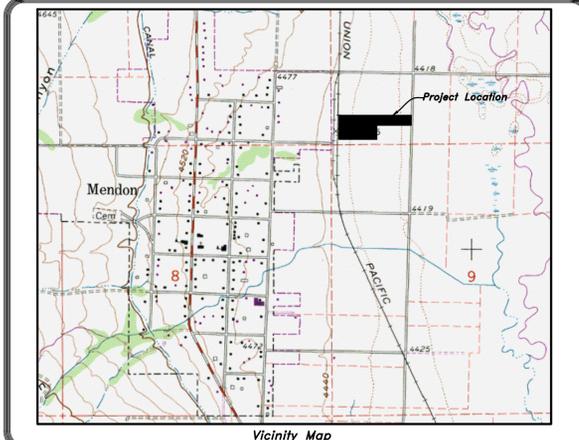
SURVEYOR'S CERTIFICATE

I, JEFF C. NIELSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 5152661 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH, I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS HEREAFTER TO BE KNOWN AS: MENDON SHADOW SUBDIVISION SECOND AMENDMENT AND THE SAME HAS BEEN CORRECTLY SURVEYED AND ALL STREETS ARE THE DIMENSIONS SHOWN.

Second Amendment Subdivision Boundary

A PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 11 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE OREGON SHORT LINE RAILROAD LOCATED NORTH 0°03'39" EAST 638.81 FEET AND SOUTH 89°56'21" EAST 230.13 FEET FROM THE SOUTHWEST CORNER OF THE SAID SOUTHWEST QUARTER; RUNNING THENCE NORTH 0°03'39" EAST 638.81 FEET ALONG THE SAID EAST RIGHT-OF-WAY LINE TO AN EXISTING FENCE LINE AND THE NORTH LINE OF MENDON SHADOW SUBDIVISION AMENDED; THENCE SOUTH 88°34'16" EAST 657.74 FEET ALONG SAID NORTH LINE TO THE NORTHWEST CORNER OF LOT 1 OF THE MENDON SHADOW SUBDIVISION AMENDED; THENCE SOUTH 01°10'48" WEST 166.74 FEET ALONG THE WEST LINE OF SAID LOT 1 TO THE NORTHEAST CORNER OF LOT 5 OF SAID SUBDIVISION; THENCE RUNNING ALONG SAID LOT 5 THE FOLLOWING TWO (2) COURSES:
(1) NORTH 88°34'16" WEST, A DISTANCE OF 218.41 FEET;
(2) SOUTH 00°55'04" WEST, A DISTANCE OF 222.31 FEET TO THE SOUTH LINE OF SAID SUBDIVISION; THENCE NORTH 88°34'16" WEST 435.07 FEET ALONG THE SAID SOUTH LINE TO THE POINT OF BEGINNING. CONTAINING 4.72 ACRES AND 3 LOTS.

ALL LOTS IN THIS SUBDIVISION ARE TOGETHER WITH AND SUBJECT TO THE FOLLOWING INGRESS-EGRESS AND UTILITY EASEMENT: A PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 11 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY LINE OF 5400 WEST STREET LOCATED NORTH 0°03'39" EAST 638.81 FEET AND SOUTH 89°56'21" EAST 230.13 FEET AND SOUTH 88°34'16" EAST 652.17 FEET AND NORTH 01°10'48" EAST 221.01 FEET AND SOUTH 88°34'16" EAST 660.01 FEET FROM THE SOUTHWEST CORNER OF THE SAID SOUTHWEST QUARTER AND RUNNING THENCE NORTH 88°34'16" WEST, A DISTANCE OF 660.01 FEET; THENCE SOUTH 01°10'48" WEST, A DISTANCE OF 33.00 FEET; THENCE NORTH 88°34'16" WEST, A DISTANCE OF 398.52 FEET; THENCE NORTH 01°10'48" EAST, A DISTANCE OF 66.00 FEET; THENCE SOUTH 88°34'16" EAST, A DISTANCE OF 1058.53 FEET; THENCE SOUTH 01°10'48" WEST A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1.104 ACRES.



OWNER'S DEDICATION

THE UNDERSIGNED, BEING ALL OWNERS OF RECORD OF THE ABOVE-DESCRIBED PARCEL OF LAND DO HEREBY SUBMIT SAID PARCEL OF LAND TO BE SUBDIVIDED AND KNOWN AS MENDON SHADOW SUBDIVISION SECOND AMENDMENT FURTHERMORE WE DEDICATE THE RIGHT-OF-WAYS AND UTILITY EASEMENTS AS SHOWN.

WE, THE UNDERSIGNED, HAVE EXECUTED THIS PLAT AND DEDICATION THE _____ DAY OF _____, 2024.

Jonathan Hancey Teralee Hancey
Russell Brown Kimberlee Brown
Jason McKellar Jeri McKellar

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF CACHE) SS.
THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC THIS _____ DAY OF _____, 20____, BY _____, WHO PROVED ON BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THIS INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC _____

COUNTY RECORDER'S NO.

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

FORESIGHT
LAND SURVEYING
2005 North 600 West, Logan, Utah
435-753-1910
Project No. 24-013
Prepared by JH, 2/26/24

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF CACHE) SS.
THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC THIS _____ DAY OF _____, 20____, BY _____, WHO PROVED ON BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THIS INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC _____

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF CACHE) SS.
THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC THIS _____ DAY OF _____, 20____, BY _____, WHO PROVED ON BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THIS INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC _____

UTILITY COMPANY APPROVALS

THE UTILITY EASEMENTS SHOWN ON THIS PLAT ARE APPROVED

ROCKY MOUNTAIN POWER _____ DATE _____
COMCAST _____ DATE _____
QUESTAR GAS _____ DATE _____
QWEST _____ DATE _____

DEPUTY COUNTY SURVEYOR'S CERTIFICATE

I CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED 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 COUNTY ORDINANCE AND STATE LAW.

DEPUTY COUNTY SURVEYOR _____ DATE _____

CACHE COUNTY PLANNING COMMISSION

THIS PLAT WAS RECOMMENDED FOR APPROVAL/DENIAL BY THE PLANNING COMMISSION ON THE _____ DAY OF _____, 20____.

DATED THIS _____ DAY OF _____, 20____.

BY: _____ CHAIR

COUNTY ATTORNEY APPROVAL

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

DATE _____ CACHE COUNTY ATTORNEY

BEAR RIVER HEALTH DEPT. APPROVAL

THE SUBDIVISION DESCRIBED IN THIS PLAT HAS BEEN APPROVED BY THE BEAR RIVER HEALTH DEPARTMENT THIS _____ DAY OF _____, 20____.

BY: _____ TITLE: _____

ITEM #3
NAUTICA TOWER CUP

Staff Report: Nautica Tower CUP 2024

7 March 2024

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: Jeremy Smith

Parcel ID#: 01-081-0031

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

Project Location

Reviewed by Angie Zetterquist

Project Address:

1478 West 1710 South
near Hyrum

Current Zoning:

Agricultural (A10)

Public Infrastructure (PI) Overlay

Acres: 1,600 sq.ft. 

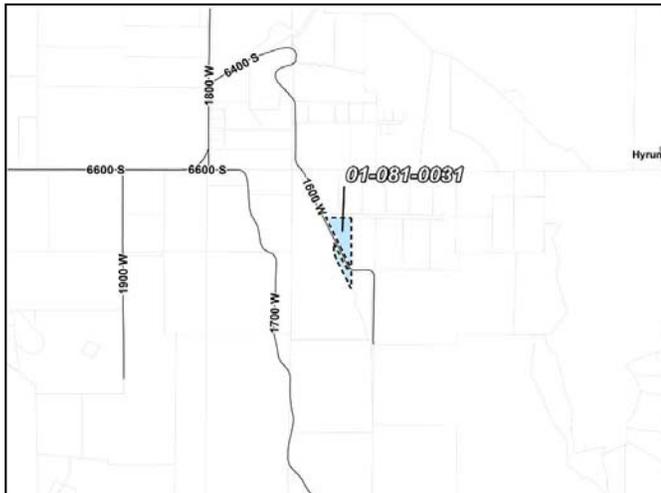
Surrounding Uses:

North – Agricultural/Residential

South –Agricultural

East –Agricultural/Residential

West – Agricultural



Findings of Fact

A. Request description

1. The Nautica Tower Conditional Use Permit (CUP) is a request to operate a major telecommunication facility (Use Type 5700) on a 1,600-square-foot portion of a 5.03-acre property.
2. The current request is the third time this project has been reviewed by the Planning Commission. The tower and accessory structures were constructed prior to any approvals issued by the County. The property owner and their service providers have been working to come into compliance since 2021.

In March 2021, the County Council approved a rezone (Ordinance 2021-06) to add the Public Infrastructure (PI) Overlay zone to a 1,600 square foot portion of the subject property where the telecommunications facility is located.

The initial application (i.e., Fritz Tower CUP) was submitted in June 2021, which was approved during the October 7, 2021 Planning Commission meeting as a combination TV repeater and internet broadcast site. However, the conditions of approval were not met prior to the effective land use authority approval (i.e., October 7, 2022), the CUP was not recorded, and the approval expired. The original service provider removed the TV equipment from the site.

A second application (i.e., Fritz Tower CUP 2022) was submitted by Airband LLC, on behalf for the property owners, and was approved on 1 December 2022, as an internet broadcast site only. However, the conditions of approval were not met and the second approval expired on 2 December 2023.

The current request is being submitted by Blue Spring Broadband and is now known as the Nautica Tower CUP. The applicant has a full understanding of the history of the project and has proactively started to address conditions of approval from the two previous CUP approvals that expired (Attachment A).

3. The current request is described in the applicant's Letter of Intent and site plans (Attachment B).
 - a. The applicant states the proposed telecommunications facility will be used for a WISP (Wireless Internet Service Provider). The site will help expand internet service into Hyrum and some parts of Paradise improving the quality of life for residents and allowing for higher speed internet and greater selection of internet service providers. *See condition #1*
 - b. Prior to recording the permit, applicant must provide written confirmation from the Federal Communications Commission (FCC) that the site has been permitted. *See condition #2*
 - c. A 10-foot by 12-foot structure will be used to house equipment to facilitate the broadcast from a 42-foot tall tower.
 - d. This is an unmanned utility facility and no employees will be onsite except for occasional maintenance.
 - e. The structure is a pre-fabricated shed kit and the tower is also a kit package including the tower and anchors. *See condition #3*
 - f. Any waste generated during site visits for maintenance will be removed at the conclusion of the site visit.
 - g. The tower and structure must be fenced. *See condition #1*
4. No development related to the approved use, nor the use itself, may be conducted until conditions are met and the permit is recorded. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. *See condition #4*

B. Conditional Uses *See conclusion #1*

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

C. Compliance with law *See conclusion #1*

6. The County Land Use Ordinance stipulates that:
 - a. The proposed conditional use must comply with the regulations and conditions specified in the County Code and other applicable agency standards for such use.
 - b. The proposed conditional use must be consistent with the intent, function, and policies of the Cache County General Plan, Ordinance(s), and land use, and/or compatible with existing uses in the immediate vicinity.
7. §17.02.060, Establishment of Land Use Authority, authorizes the Planning Commission to act as a Land Use Authority for a CUP. ***See conclusion #2***
8. §17.07.030, Use Related Definitions. The proposed use is best defined under “Use Type 5700 Telecommunication Facility - Major”. Per the definition in §17.20.030(A), a telecommunications facility requires a conditional use permit if it is considered a major modification and a major modification includes a new telecommunication facility with support structures and any accessory equipment and/or structures.
9. §17.09.030, Schedule of Uses by Zoning District, permits this use as a CUP in the Public Infrastructure (PI) Overlay Zone if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses as noted.
10. §17.20.040(A), Application and Review Procedure, Conditional Use Permit requires that as part of the CUP the following items must be provided:
 - a. A development plan prepared and certified by an appropriate professional that consists of: (1) Property boundaries, setbacks, topography, elevation views, and dimensions of improvements drawn to scale. (2) A written description and scaled drawings of the proposed support structure, including structure height, ground and structure design, and proposed materials. (3) The number and type of proposed antennas and their height above ground level, including the proposed placement of antennas on the support structure. (4) A line of sight diagram or photo simulation, showing the proposed support structure set against the skyline and viewed from at least three (3) directions within the surrounding areas.
 - b. A copy of the supporting federal certifications as follows: (1) Federal communications commission (FCC) license for the facility, or a signed, notarized statement from the owner and/or operator of the facility attesting that the facility complies with all current FCC regulations. (2) Certification by an appropriate professional that the proposed facility will comply with all of the applicable standards of the American National Standards Institute (ANSI), the Electronics Industries Association standard for antenna towers and antenna support structures, and any other applicable technical and structural codes.
 - c. A written description of how the proposed facility fits into the applicant's telecommunication network. As part of this description, the applicant shall describe anticipated maintenance needs, including frequency of service, personnel needs, equipment needs, and traffic, noise, or safety impacts of such maintenance. In all cases, the equipment at a telecommunication facility shall be automated to the greatest extent possible to reduce traffic, congestion, and noise associated with maintenance and upkeep of the facility.
11. §17.20.050: General Standards and Design Requirements applies to all telecommunications facility and accessory structures, unless exempt.

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

12. The County Land Use Ordinance stipulates that:

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

13. The primary activities as identified within the Nautica Tower CUP Letter of Intent are proposed to only occur on a small portion of the subject property and do not appear to create unreasonable risks to the safety of persons or property, or to unreasonably interfere with the lawful use of surrounding properties.

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

E. Adequate service provision *See conclusion #1*

14. The County Land Use Ordinance stipulates that:

- a. The proposed conditional use must not result in a situation that creates a need for essential services that cannot be reasonably met by local service providers, including but not limited to: Roads and year round access for emergency vehicles and residents, fire protection, law enforcement protection, schools and school busing, potable water, septic/sewer, storm water drainage, and garbage removal.

15. Access: Access to the project will occur on multiple County roads.

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

16. The Road Manual specifies the following:

- a. §2.4-A-4-c – Access to the property must have an all-weather surface and a minimum 12-foot width. *See condition #5*

17. Any work or utilities located in the county right-of-way will require an Encroachment Permit.

18. Access to the proposed facility is from 1600 West, a County road classified as Agricultural Access. It is an unimproved county road that provides access to agricultural lands and is not maintained in the winter. Any necessary winter road maintenance for access must be coordinated with the Public Works Department and will be billed per approved rates. *See condition #6*

19. Parking:

- a. §17.22 Off Street Parking Standards – Uses included under Use Index 5000, Public, Institutional, and Utility Uses, require a Parking Analysis be conducted to determine the required number of parking spaces needed. However, under §17.22.020 [C], use type 5700 Telecommunications Facility - Major, is exempt from the parking analysis requirement. *See conclusion #3*
- b. A parking area for service vehicles must be included on the revised site plan and must be constructed of an all-weather surface. *See condition #1*

20. Refuse:

- a. Any refuse generated on site during construction will be removed by the employees. Logan Environmental had no comments on this request. *See condition #7*

21. Fire: §16.04.080 [C] Fire Control – The County Fire District did not have concerns or comments on the project. A plan review will be conducted at the time of the zoning clearance review.

F. Impacts and mitigation *See conclusion #1*

22. 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.”
23. The County Land Use Ordinance stipulates that:
 - a. Reasonably anticipated detrimental effects of the proposed conditional use must be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards.
24. 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.
25. Known or reasonably anticipated detrimental effects of the use are as follows:
 - a. Reclamation/invasive species: Construction activities can introduce invasive species that can reasonably be anticipated to have a detrimental effect on the surrounding properties. The applicant must provide what appropriate steps will be taken to prevent the spread of undesirable plants and animals within areas affected by construction activities including: equipment inspection and decontamination and use of certified “noxious weed free” seed for restoration and reclamation. Applicant must work with the County Vegetation Management Division on a noxious weed control plan. *See condition #8*

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

26. Public notice was posted online to the Utah Public Notice Website on 23 February 2024.
27. Notices were posted in three public places on 23 February 2024.
28. Notices were mailed to all property owners within 300 feet of the subject properties on 23 February 2024.
29. At this time, no written public comments have been received by the Department of Development Services regarding this proposed facility.

Conditions

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

1. Prior to recording the permit, the applicant must provide a revised site plan that includes the following: proposed access to the site from 1600 West; parking area for service vehicles (all-weather surface); setbacks; any underground utilities; location of the required fence; and other items as noted in the Code. The site plan must be reviewed and approved by the Development Services Department, Public Works Department, and Fire District. All required improvements must be completed prior to recording the permit. *(See A-3-a, A-3-g, E-19-b)*
2. Prior to recording the permit, the applicant must provide a written copy of the approved FCC for 477 confirming the facility meets the regulations of a wireless internet service provider. *(See A-3-b)*
3. The applicant must obtain any required zoning clearances and building permits for existing tower and accessory structure(s). The zoning clearance application must include a scaled site plan showing proposed access from 1600 West, setbacks from the property line to all structures associated with the telecommunications facility, any underground utilities, and other items as required by the Code. *(See A-3-e, D-13-a)*
4. No development related to the approved use, nor the use itself, may be conducted until conditions are met and the permit is recorded. The applicant must operate the utility facility in accordance

with the County Code and all applicable development standards, and the Letter of Intent provided. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. (*See A-4*)

5. Prior to recordation, the applicant must work with the Public Works Department to either confirm that or improve 1600 West and the property access meet the minimum requirement of a 12-foot wide all-weather surface. If improvements are required, the applicant must submit plans designed by a licensed Engineer to the Public Works Department for review and approval. Any required road or access improvements must be completed prior to recording the permit. Any work or utilities located in the County right-of-way requires an Encroachment Permit. The applicant must provide copies of all approvals, permits, and certificates of completion/written final approval from the Public Works Department must be provided to the Development Services Office. (*E-16-a*)
6. Winter maintenance (i.e., snow plowing) will not be provided on the county access road. Any required winter road maintenance for access will need to be coordinated with the Public Works Department and will be billed per approved rates. (*See E-18*)
7. The applicant must remove all refuse and construction debris generated onsite during construction. (*See E-20*)
8. Prior to recording the permit, a noxious weed control plan must be provided for the review and approval of the County Vegetation Management Division and must be approved. The seed mix to be used for reclamation must be approved by the County Vegetation Management Division prior to application of the mix. (*See F-25-a*)

Conclusions

Based on the findings of fact and conditions noted herein, the Nautica Tower CUP is hereby approved as follows:

1. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Land Use Ordinance, and; *See B, C, D, E, F*
2. As per §17.02.060, Establishment of Land Use Authority, the Planning Commission is authorized to act as the Land Use Authority for this CUP request. *See C-10*
3. As per §17.22.020-C-2, unmanned utility facilities are exempt from parking standards. *See E-20*

1. Revised Site Plan has been attached. This plan shows our access to the site from 1600 W, the driveway and parking area that we added for service vehicles (12' all-weather surface), setbacks, and underground power.
2. We are an active member of WISPA since 2013, and take the role of regulation in our industry very seriously. We have filed our FCC 477 and now the BDC (Broadband Data Collection) program updates proficiently since the first time that they were required, and we are up to date on all regulatory submission requirements. The 477 was replaced by the BDC program. We have attached a screenshot which is readily available on the Broadband Data Collection website from the FCC, which shows that our latest certification was certified as of June 30th, 2023. Our upcoming submission for the period ending Dec 31st, 2023 will be filed as usual, as soon as the FCC opens the period up to accept our submission data for the relevant period. We have already licensed a backhaul to this site with the FCC. It has passed the PCN (Prior Coordinated Notification) period without objection. The application fee has been paid, and we expect to have our FCC call sign and our broadcast license for the site within the coming weeks.
3. Since this was a pre-existing construction, we did not obtain any permits prior to construction (aside from our FCC license). We have submitted our updated scaled site plan showing the pre-existing structures and setbacks, and are ready to file our zoning clearance application, if required.
4. This facility will be operated in accordance with the County Code and all applicable development standards and legal regulations. Any expansions or modifications of the proposed use will obtain the approval of the Land Use Authority.
5. We installed a 12' all weather surface and parking area last month, on the private portion of the property, to the point where it meets 1600 W. We will work with the Public Works Department to confirm that the all-weather surface that we installed meets their requirements, and that no additional improvements to the road will be needed for our conditional use. This portion of the county road (1600 W) that intersects the Fritz's property is currently the topic of a proposed land swap for the Nautica subdivision expansion. We will work with the Public Works department to ensure that we complete any necessary improvements to 1600 W to the point where it meets their new road.
6. No winter maintenance will be needed for us to access this site.
7. We will remove any refuse or debris any time that it is generated while working onsite. We will be taking this with us when we leave, and no trash will be stored onsite.
8. We have worked with Jake Forsgren at the County Weed Department to develop an approved Noxious Weed Control Plan for this site. That weed control plan is attached to this application.

Nautica Tower – Letter of Intent

Background:

This application was originally submitted as 'Fritz tower' in June 2021 by Larry Soule, for a TV repeater and combination Internet broadcast site. It was approved during the October 7th, 2021 Planning Commission meeting, the CUP was not recorded, and the approval expired. Larry has since moved out and the TV equipment was removed.

It was then resubmitted by Airband LLC and was approved during the December 1st, 2022 Planning Commission Meeting, with some required conditions. These conditions were not met by the deadline and the approval again expired on Dec.2nd, 2023.

The property owner (Steven Fritz) would like to improve the dependability of his Internet services, and to bring this site into compliance ASAP. We have been granted a lease agreement (attached), and we have taken over this project. Our company is not affiliated with Larry Soule or Airband LLC and we are filing a new application. We have changed the name of this Communications site and Application from 'Fritz Tower' to 'Nautica Tower'. We feel that this is a better representation of the location of the site, which lies adjacent to the 'Nautica' neighborhood development.

We are re-submitting this CUP application, and we will ensure that all of the commission's conditions and requirements are properly addressed, and that this site is brought into compliance. We will work with the commission to overcome any potential issues that may have been left unresolved by the prior tenants.

Our proposed use for this CUP is for a Broadband Internet Relay Site that will be used by Bear River Communications, LLC d/b/a Blue Spring Broadband (a local Wireless Internet Service Provider) to deliver Broadband Internet services to Steven Fritz and other clients, as part of our existing wireless network. We have an extensive wireless network throughout Cache, Box Elder, and Franklin Counties, and have been in business here in Cache County for more than ten years now. We have a number of FCC licensed microwave sites, which operate in and are fully compliant with all FCC and regulatory requirements.

1. a) This equipment will be housed within an existing outbuilding/shed, that is 10' x 12' in dimension with an adjacent 42' tower structure. This site was originally used by other providers, and we intend to use it to provide service to Steven Fritz and to expand our Internet coverage area in Mt. Sterling, Wellsville, Hyrum, and Nibley.
- b) There will be no employees working regularly at the site. None of the residents of the property will be employees. Aside from the initial buildout, the site will only be minimally accessed as needed, for maintenance. We will often go weeks or even months without having to visit a site.
- c) This site will operate 24/7/365 as a communications site, which provides Broadband Internet services to Stephen Fritz and other homes and businesses on the South end of Cache Valley. No public access will be permitted.

d) There will be minimal traffic as the site will only be used occasionally. A small parking area has been added near the shed on the East side. An all-weather road surface has been installed from the road to the shed area. This site will not be visited by the general public, and the only parking required will be for the service technician when one is onsite.

e) There will be no signage onsite, aside from that which may be required by the FCC, where relevant.

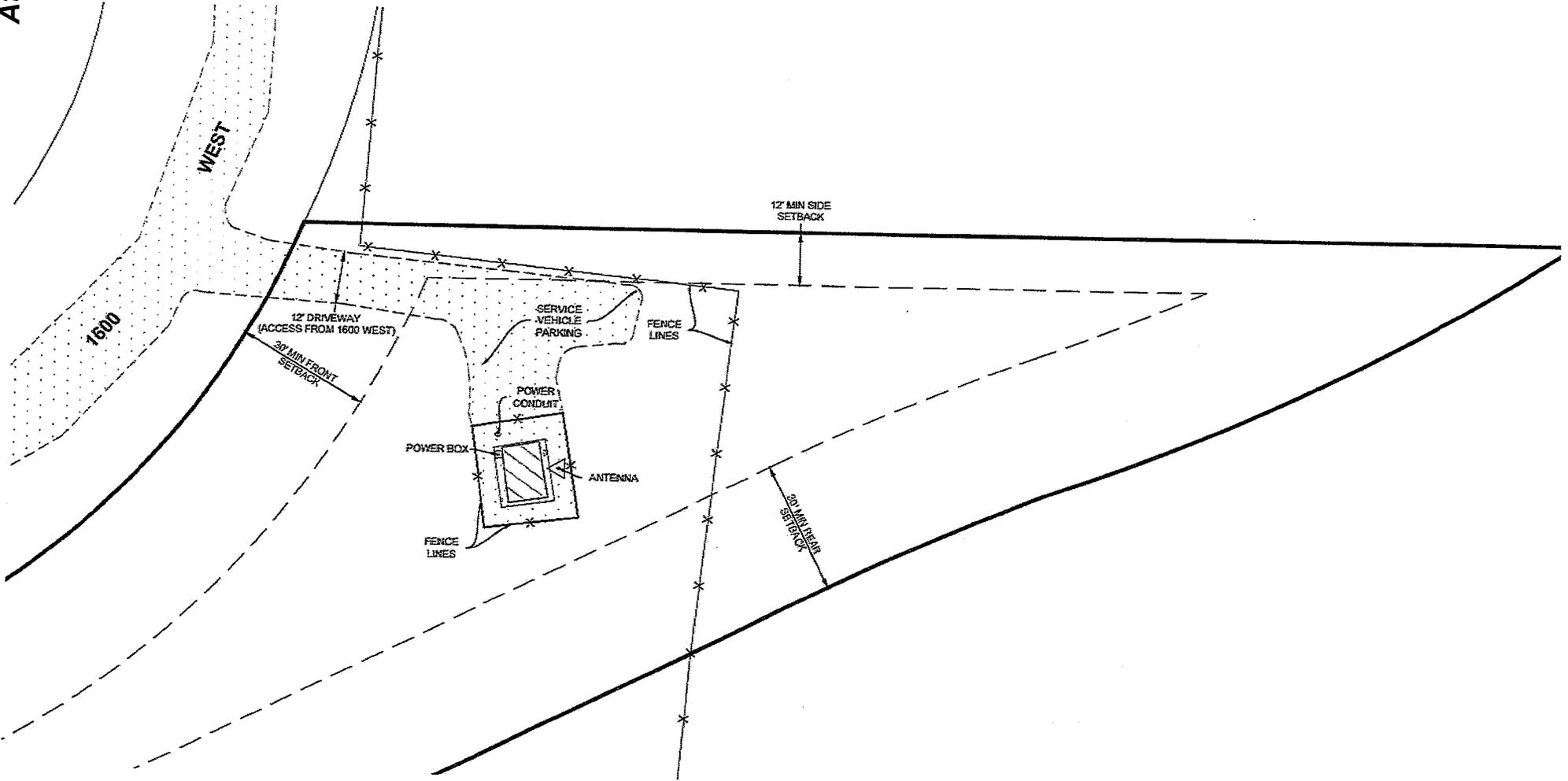
f) The equipment onsite will consist of:

- Existing outbuilding/shed & tower
- Related Network equipment in a rack inside the structure (routers, switches, etc.)
- Licensed & Unlicensed Microwave Radio Backhauls (FCC legal and Compliant)
- Licensed or Unlicensed Access Points on tower structure (FCC legal and Compliant)
- Vehicles may visit, but will not be left onsite

g) Any waste or garbage generated will be removed and properly disposed of each time we visit the site.

This Application was previously approved with the following conditions needing to be addressed (per the 12/1/22 Staff Report for the original Fritz Tower CUP). We believe these conditions have now been met:

Attachment B



The filing deadline for June 30, 2023 data is extended to September 15, 2023. Filers should use updated release 3.2 Fabric files to report their fixed availability data. ✕

Submission Overview

ERIN: 0023253941 | Service Provider | Bear River Communications, LLC

SUBMISSION CERTIFIED

Data as of June 30, 2023

Biannual Filing Window

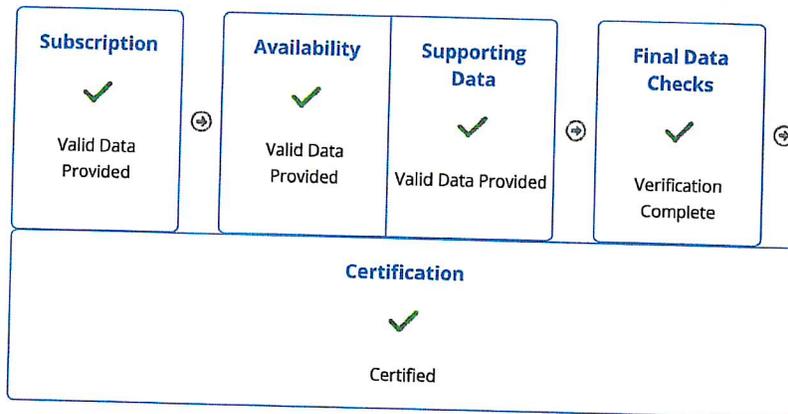
DATA AS-OF DATE	WINDOW OPEN	WINDOW STATUS
Jun 30, 2023	Jul 3, 2023	CLOSED
TODAY'S DATE	WINDOW CLOSE	FILING STATUS
Sep 26, 2023	Sep 15, 2023	Original - Certified

Fixed Data Requests

Fixed Challenges
0

Submission Steps

[Decertify Submission](#)

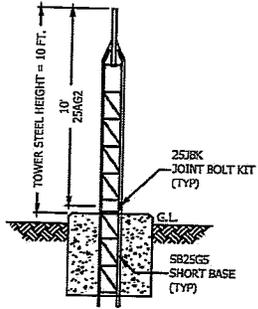


Fixed Submission Data

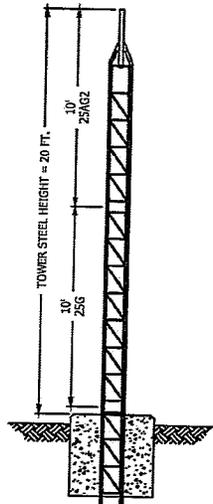
Service	Subscription Data Files Currently Processing (0)		Availability Data Files Currently Processing (0)	
	Subscribers	Locations	Supporting Data	
Fixed Broadband	1,274	7,274	✓ 1 of 1	
Unlicensed Fixed Wireless	1,274	7,274	✓ 1 of 1	

NOTES:

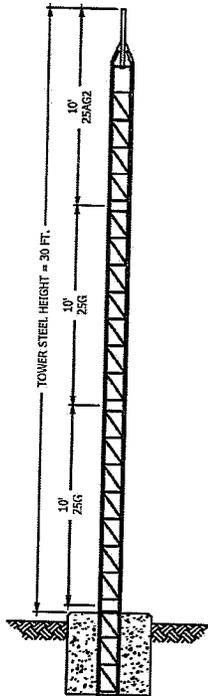
1. REFER TO DRAWING NO. DWG-0617 FOR TOWER EFFECTIVE PROJECTED AREAS AND GENERAL NOTES.
2. REFER TO DRAWING NO. DWG-0128 FOR FOUNDATION DETAILS.
3. REFER TO DRAWING NO. B090548 FOR STANDARD FOUNDATION NOTES.
4. REFER TO DRAWING NO. A810214 FOR FOUNDATION AND ANCHOR TOLERANCE.
5. ROHN PRODUCTS, LLC. WILL PROVIDE A GROUNDING KIT FOR EACH TOWER ASSEMBLY.



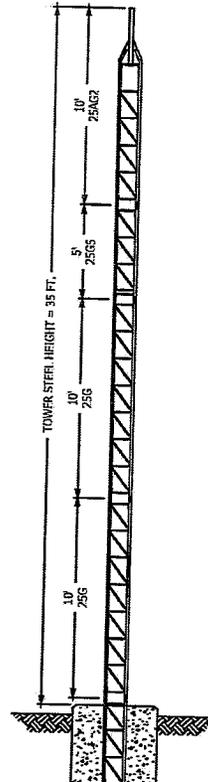
P/N: 25SS010
10' 25G SERIES TOWER ASSEMBLY



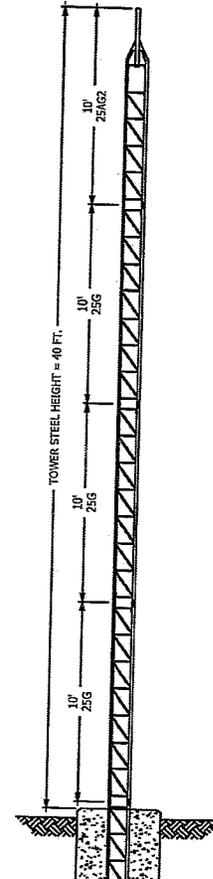
P/N: 25SS020
20' 25G SERIES TOWER ASSEMBLY



P/N: 25SS030
30' 25G SERIES TOWER ASSEMBLY

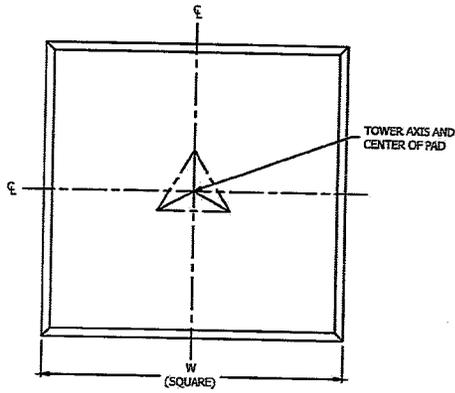


P/N: 25SS035
35' 25G SERIES TOWER ASSEMBLY



P/N: 25SS040
40' 25G SERIES TOWER ASSEMBLY

FILE NO.		REVISIONS		
REV	DESCRIPTION	DAW	CHK	APP
 PO BOX 5999 FEDERAL, IL 61601-5999 TOLL FREE 800-722-ROHN				
<small>THIS DRAWING IS THE PROPERTY OF ROHN. IT IS NOT TO BE REPRODUCED, COPIED OR TRACED IN WHOLE OR IN PART WITHOUT OUR WRITTEN CONSENT.</small>				
25G SERIES TOWER ASSEMBLY 10' - 40'				
DRAWN:	CHKD:	JDM	DATE:	3/9/2013
JHY	HA		SHEET #:	1 OF 1
ENGR:	HA		PROJ. MGR:	
PRJ. ENGR:	JPK		PROJ. MGR:	
DRAWING NO:	25GSS			REV:
				0

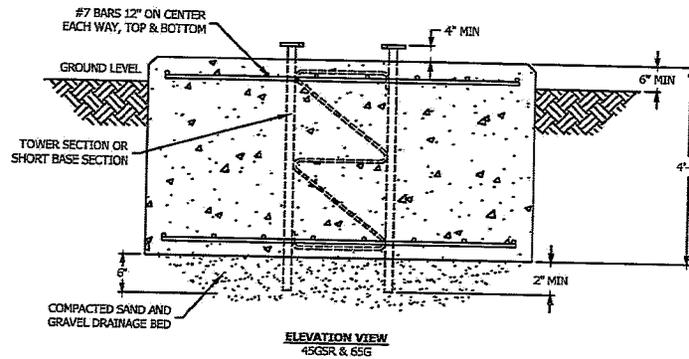
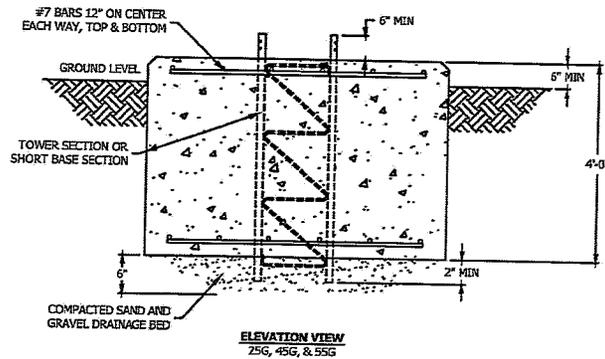


PLAN VIEW

FOUNDATION DETAILS				
TOWER NUMBER	OVER-TURNING MOMENT (FT-LBS)	TOTAL SHEAR (LBS)	MAT WIDTH "W"	CONCRETE VOLUME (CU. YDS.)
25G	7000	500	4'-0"	2.4
45G	12300	1000	5'-3"	4.1
55G	22100	1600	6'-0"	5.3
45GSR/65G	53100	3500	7'-9"	8.9

GENERAL NOTES:

1. FOR STANDARD FOUNDATION NOTES, SEE DRAWING NUMBER B090548.
2. THE SHORT BASE OF 45GSR TOWER ONLY MAY NOT PROJECT BELOW FOUNDATION BOTTOM FOR DRAINAGE.
3. FOR 25G, 45G, 55G, AND 65G TOWER ASSEMBLY DRAWINGS AND MAXIMUM TOWER HEIGHTS, REFER TO DRAWING NUMBER 256SS, 45GSS, 55GSS, AND 65GSS, RESPECTIVELY.



REVISIONS				
REV	DESCRIPTION	DWN	CHK	APP
1	ISSUED			
2	DATE: 3/11/2013	JAY	JON	HA

FIN PRODUCTS
 PO BOX 5999
 GEORGIA, IL 61601-5999
 TOLL FREE 800-727-ROCHI

THIS DRAWING IS THE PROPERTY OF FIN PRODUCTS. IT IS TO BE REPRODUCED, COPIED OR TRACED IN WHOLE OR IN PART WITHOUT OUR WRITTEN CONSENT.

FOUNDATION
 MAT FND FOR SS G SERIES TOWERS

DWN: FAD	CHKD: HA	DATE: May/22/2010
ENGR: HA	SHEET #: 1 OF 1	
PRJ. ENGR:	PRJ. MNGR:	
DRAWING NO: DWG-0128	REV: 2	

FOUNDATION AND ANCHOR TOLERANCES
ALL FOUNDATIONS

1. CONCRETE DIMENSIONS - PLUS OR MINUS 1" (25mm).
2. DEPTH OF FOUNDATION - PLUS 3" (76mm) OR MINUS 0".
3. DRILLED FOUNDATIONS OUT OF PLUMB - 1.0 DEGREE.
4. REINFORCING STEEL PLACEMENT - PER A.C.I. 301.
5. PROJECTION OF EMBEDMENTS - PLUS OR MINUS 1/8" (3mm).
6. VERTICAL EMBEDMENTS OUT OF PLUMB - 0.5 DEGREE.

ANCHOR BOLTS

7. MAXIMUM DISTANCE FROM CENTERLINE OF ANCHOR BOLTS TO CENTERLINE OF FOUNDATION - 1/24 OF PIER DIAMETER UP TO A MAXIMUM OF 2" (51mm).
8. ANCHOR BOLT SPACING - 1/16" (2mm).
9. ANCHOR BOLT CIRCLE ORIENTATION - 0.25 DEGREE.
10. ANCHOR BOLT CIRCLE DIAMETER - PLUS OR MINUS 1/16" (2mm).

SELF-SUPPORTING TOWERS

11. FACE SPREAD DIMENSION CENTER TO CENTER OF ANCHOR BOLT CIRCLES - PLUS OR MINUS 1/16" (2mm) OR 1/16" (2mm) PER 20 FT. (6m) OF FACE SPREAD.
12. MAXIMUM DIFFERENCE BETWEEN ANY TWO FOUNDATION ELEVATIONS - 1/2" (13mm).

GUYED TOWERS

13. GUY RADIUS - PLUS OR MINUS 5% OF DISTANCE SPECIFIED.
14. ANCHOR ELEVATION - PLUS OR MINUS 5% OF GUY RADIUS.
15. ANCHOR ALIGNMENT (PERPENDICULAR TO GUY RADIUS) - 1.0 DEGREE.
16. ANCHOR ROD SLOPE - PLUS OR MINUS 1.0 DEGREE.
17. ANCHOR ROD ALIGNMENT WITH GUY RADIUS PLUS OR MINUS 1.0 DEGREE.
18. ANCHOR HEAD OUT OF PLUMB - 1.0 DEGREE.
19. GUY INITIAL TENSION - PLUS OR MINUS 10% OF TENSION SPECIFIED.

NOTE: TOLERANCES IN NOTES 13 AND 14 CAN NOT OCCUR SIMULTANEOUSLY

WARNING!!!

AFTER ANCHOR BOLTS ARE INSTALLED IN CONCRETE HAS TAKEN ITS INITIAL SET, ANCHOR BOLTS MUST NOT BE MOVED, BENT OR REALIGNED IN ANY MANNER. A NUT LOCKING DEVICE MUST BE INSTALLED ON ALL ANCHOR BOLTS.

FILE NO.				
Standard-SSV				
REVISIONS				
REV.	DESCRIPTION	DWN	CHK	APP
8	REDRAWN TO ALTOCAD	JDA	JDK	HA
DATE: 10/17/2006				
DWG REFERENCE				
 PRODUCTS 5718 WEST PLANK ROAD PEORIA, IL 61604 TOLL FREE 800-727-ROHN				
THIS DRAWING IS THE PROPERTY OF ROHN. IT IS NOT TO BE REPRODUCED, COPIED OR TRACED IN WHOLE OR IN PART WITHOUT OUR WRITTEN CONSENT.				
FOUNDATION & ANCHOR TOLERANCE				
DWN:	CSR	CHKD:	KTL	DATE:
ENGR:				Sep/25/1987
DRAWING NO:				REV:
A810214				8

D:\14\2006_12\25\14

8/20/06

WEED CONTROL PLAN

PROJECT NAME: Nautica Tower

PROJECT PARCEL#: 01-081-0031

A. Specific noxious weed species of concern associated with proposed project site. Please note that all county noxious weeds must be treated regardless of when introduced.

1) Dyers Woad

B. Proposed methods of control that needs to be used to control specific noxious weeds.

1. Chemical Control

*Use selective type herbicides that are labeled for the specific Noxious Weed Species and type of terrain where application is needed.

2. Mechanical Control

* Hand pulling and then bagging Dyers Woad plants before they set seed. Bagged noxious weeds will need to be disposed in a correct location. (Logan Landfill)

Recommendations from the Cache County Vegetation Management Division.

1. Make sure all equipment and materials are clean from noxious weed seeds before entering/exiting project site.

2. Don't haul any dirt or excess material away from any construction site area.

3. Monitor site annually for any new noxious weed infestations.

The Utah Noxious Weed Act (Title 4, Chapter 17, Rule R68-09) provides for the control and management of noxious weeds in Utah. Private property owners, municipalities, and state agencies are subject to the provisions of the Utah Noxious Weed Act. This act requires all land owners or people in possession of property be responsible for the control of noxious weeds on that property.

WEED CONTROL PLAN



ite: 12/13/2023

LEASE AGREEMENT

This LEASE AGREEMENT ("Agreement") made this November 30th, 2023, by and between Steven or Joni Fritz, 1478 W. 6710 S. Hyrum, Utah 84319, ("LANDLORD") and Bear River Communications, LLC d/b/a Blue Spring Broadband, P.O. Box 704, Providence, Utah 84332 ("TENANT").

SECTION I - DESCRIPTION OF PROPERTY

- 1.1 In consideration of promises and covenants set forth below, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Landlord hereby leases to Tenant a certain portion of the real property located at 1478 W. 6710 S. Hyrum, Utah 84319 ("Property") described in Exhibit "A" attached to this Agreement.

SECTION II - TERM OF LEASE

- 2.1 The term of this lease will be for a period of five (5) years commencing on November 30th, 2023.
- 2.2 This Agreement will automatically be extended for an additional five (5) year term unless Landlord terminates it at the end of the then current term by giving Tenant written notice of intent to terminate at least six (6) months prior to the end of the then current term.

SECTION III - LEASE PAYMENTS

- 3.1 In consideration for the use of the Property, Tenant will provide wireless Internet access to Landlord free of charge. Such access will be provided through Tenant's existing wireless Internet network, with services equal to the premium residential package offered by Tenant to its customers at this location. Tenant will also provide one complimentary residential nationwide VoIP telephone line, if desired. As additional consideration, Tenant will also provide a lease payment of \$599 per year for the use of power and facilities.

SECTION IV - PURPOSE OF LEASE

- 4.1 The purpose of this Agreement is to allow Tenant to construct and maintain equipment, wires and facilities the ("Equipment") to support and carry out its business as an Internet service provider and other services consistent with an Internet service operation. This will include but will not be limited to the construction of towers or the installation of Equipment on buildings and/or other structures on the Property.

LEASE AGREEMENT

SECTION V - DUTIES OF PARTIES

5.1 Tenant agrees:

- (1) To construct, improve, maintain, upgrade, and/or repair the Equipment, at its sole expense.
- (2) To maintain that portion of the Property where the Equipment is located in as good a condition as reasonable use will permit.
- (3) To manage and operate the Equipment in a reasonable manner and to conduct all its activities on the Property in compliance with all applicable laws.
- (4) To maintain such insurance upon the Equipment or its personal property as it determines necessary.
- (5) To obtain, at Tenant's expense, all licenses and permits required for Tenant's use of the Property.
- (6) To hold Landlord harmless from claims arising from Tenant's use of the Property, except for claims arising from the gross negligence or willful misconduct of the Landlord or its agents.

5.2 Landlord agrees:

- (1) To allow Tenant full time access on to and off from the Property to install, repair, upgrade, operate and maintain the Equipment.
- (2) To maintain an electrical supply accessible to the Equipment and pay associated electrical power charges.
- (3) To reasonably cooperate with Tenant (at no cost to Landlord) to obtain any necessary licenses or permits.
- (4) To not use or to permit the use of the Property in a manner which interferes with the operations of the Tenant.
- (5) To not allow on the property any other Wireless Internet Operators to utilize frequency in the 900 Mhz, 2.4 Ghz, 3.65 Ghz and 5-5.9 Ghz UNII, 11GHz, 18GHz, 60GHz, 80GHz, and all other ISM bands.

SECTION VI - TRANSFER OF INTEREST

6.1 Tenant may assign this Agreement upon written notice to the Landlord.

6.2 This Agreement does not prevent sale or exchange of the Property by the Landlord. However, any transferee of Landlord's interest in the Property takes such interest subject to this Agreement.

6.3 This Agreement will run with the property and will be binding upon the heirs, legatees, devisees, personal representatives, assigns and successors in interest of the parties.

LEASE AGREEMENT

SECTION VII - TERMINATION

- 7.1 Upon termination of this agreement, tenant will remove its antenna structures, fixtures and all personal property and otherwise restore the property to its original condition, reasonable wear and tear excepted.
- 7.2 Notwithstanding anything to the contrary contained in this contract, provided tenant is not in default and shall have paid all rent and sums due and payable to landlord by tenant, tenant shall have the right to terminate this agreement provided that three months prior notice is given.

SECTION VIII - MISCELLANEOUS PROVISIONS

- 8.1 This agreement and the performance thereof shall be governed, interpreted, and regulated by the laws of the State of Utah.
- 8.2 The Tenant may record this agreement with the appropriate Recording Officer.
- 8.3 If a party files a lawsuit in a dispute arising out of this Agreement, the prevailing Party shall be entitled to recover all costs and expenses incurred in connection with any such action, including reasonable attorneys' fees and court costs. In the event a Party, without fault, is made a Party to any judicial or administrative action or proceeding by reason of the conduct of the other Party, the other Party shall indemnify and hold the first Party harmless from and against all loss, cost, liability and expense, including reasonable attorneys' fees, incurred in such action.
- 8.4 In the event there is a default by the tenant with respect to any of the provisions of the agreement or its obligations under it, including payment of rent, landlord shall give tenant written notice of such default. After receipt of such written notice, tenant shall have 30 days to cure any such default. In the event that the nature of the cure requires more than 30 days, the landlord will not hold this agreement in default as long as the work required is being done continuously and diligently. Tenant may not maintain any action or effect any remedies for default against landlord unless and until landlord has failed to cure the same with the time periods provided in this paragraph.
- 8.5 Landlord warrants that they are either the owner of the Property or trustee of the Property with due authority to enter into this Agreement ("Landlord of Property").

LEASE AGREEMENT

IN WITNESS WHEREOF, the Parties hereto have set their hands and affixed their respective seals the day and year first above written.

"Landlord" Steven or Joni Fritz

By: Steven Fritz

Name: Steven Fritz

Title: Landlord

Date: 11-30-2023

"bTenant" Bear River Communications, LLC d/b/a Blue Spring Broadband:

By: [Signature]

Name: e: JEREMY SMITH

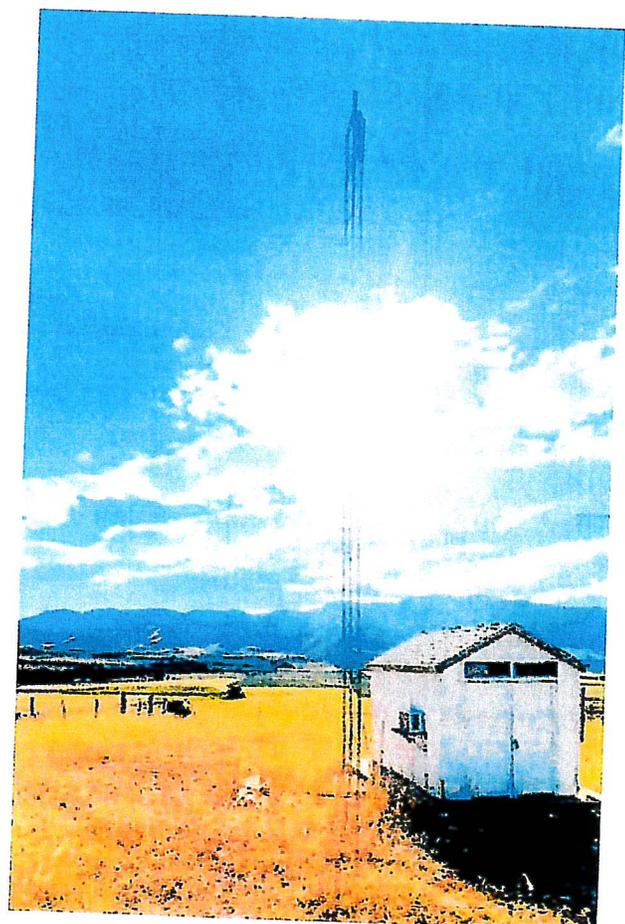
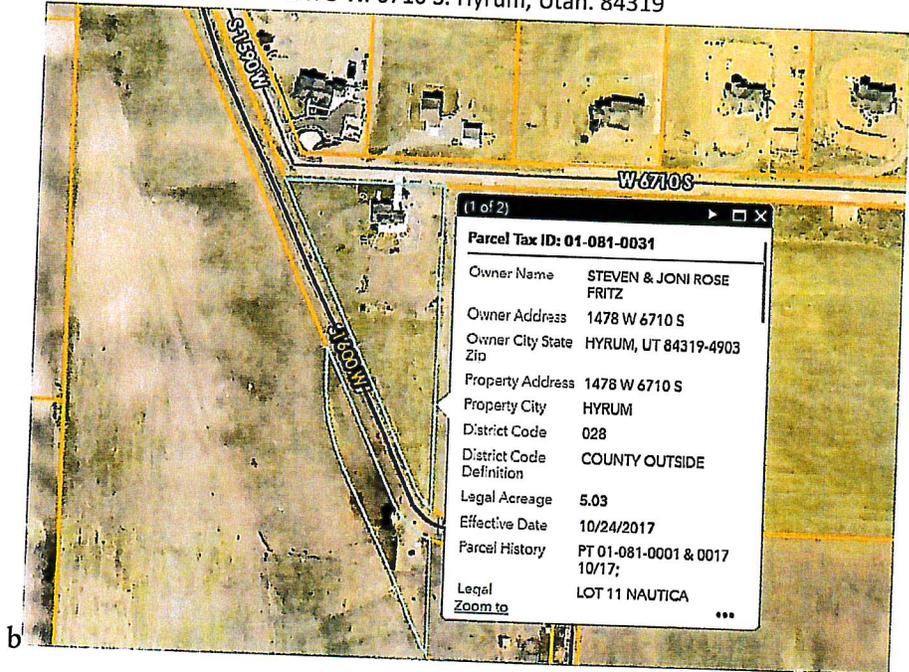
Title: : OWNER / MANAGER

Date: : 11/30/2023

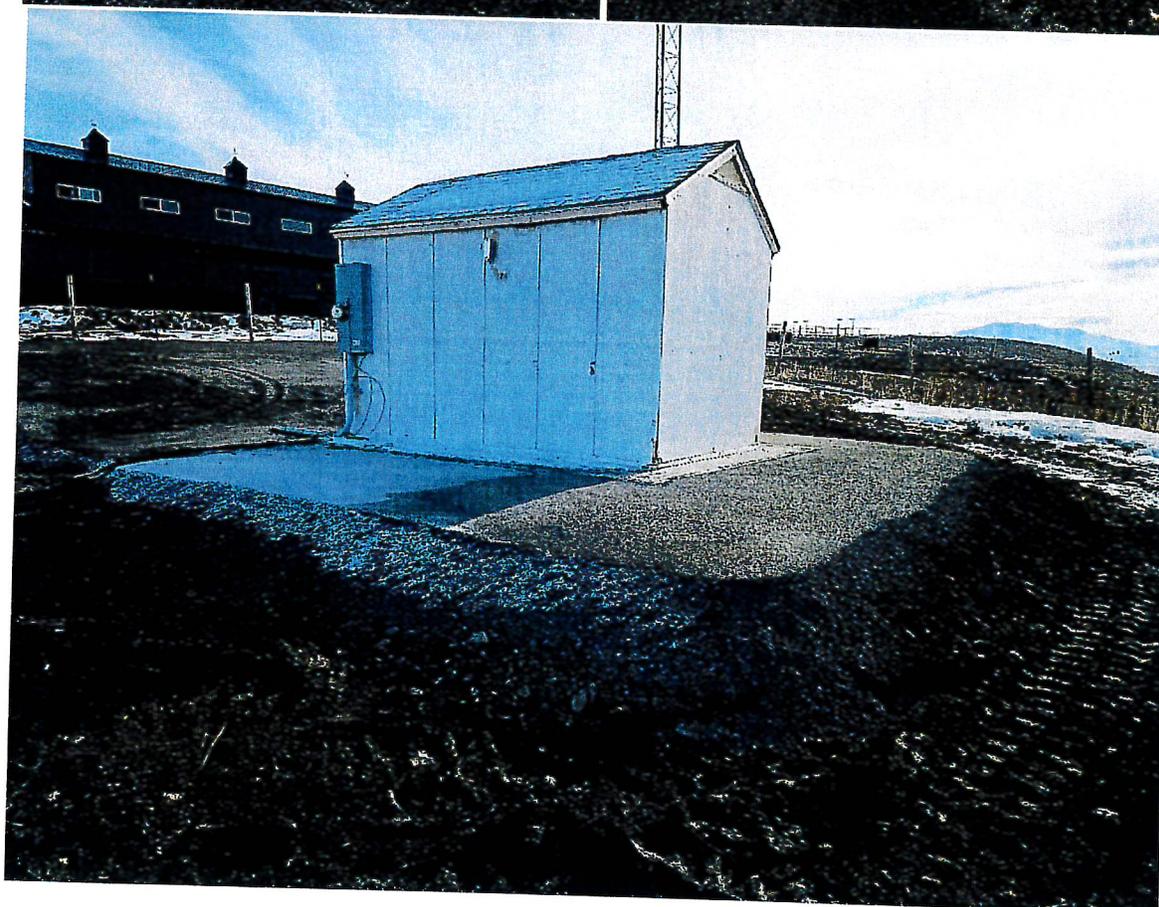
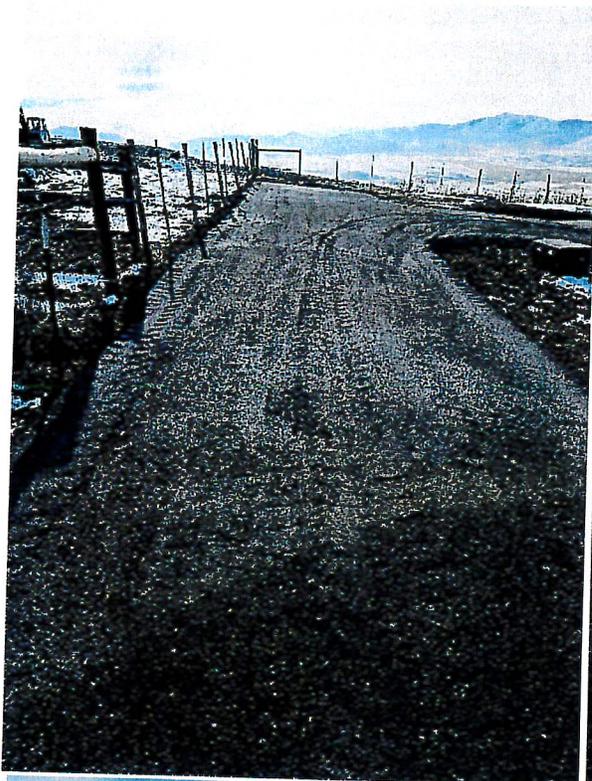
LEASE AGREEMENT

Exhibit "A" Property Description

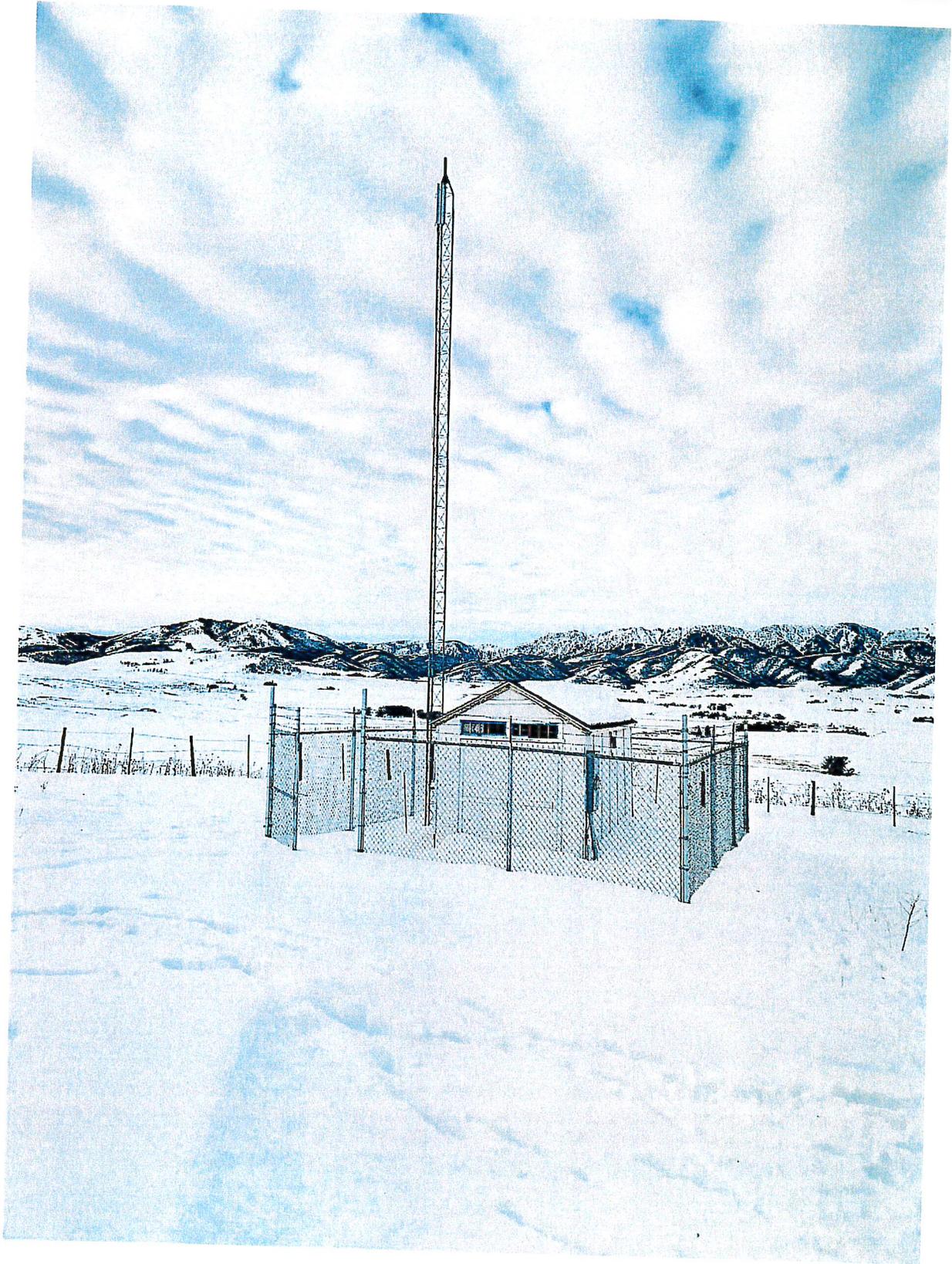
Parcel 01-081-0031
1478 W. 6710 S. Hyrum, Utah. 84319



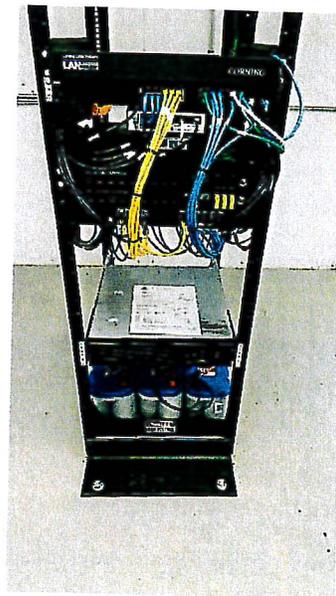
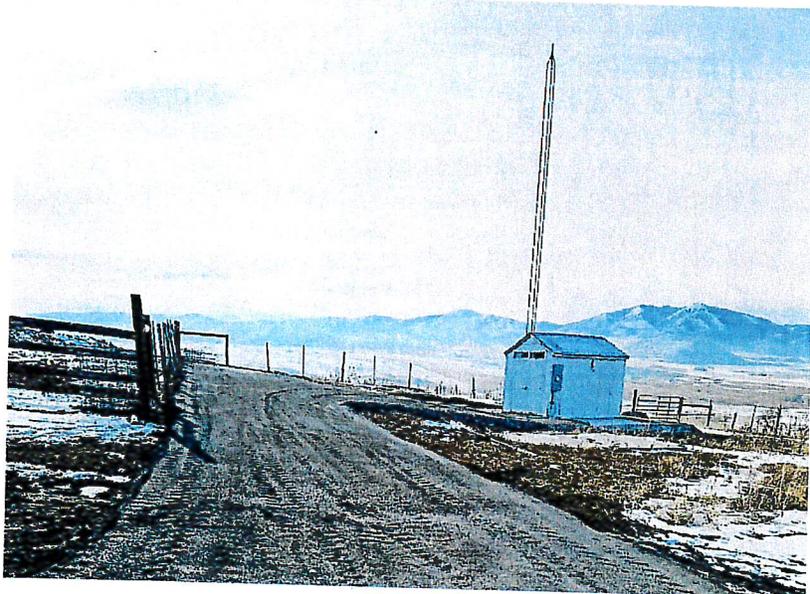
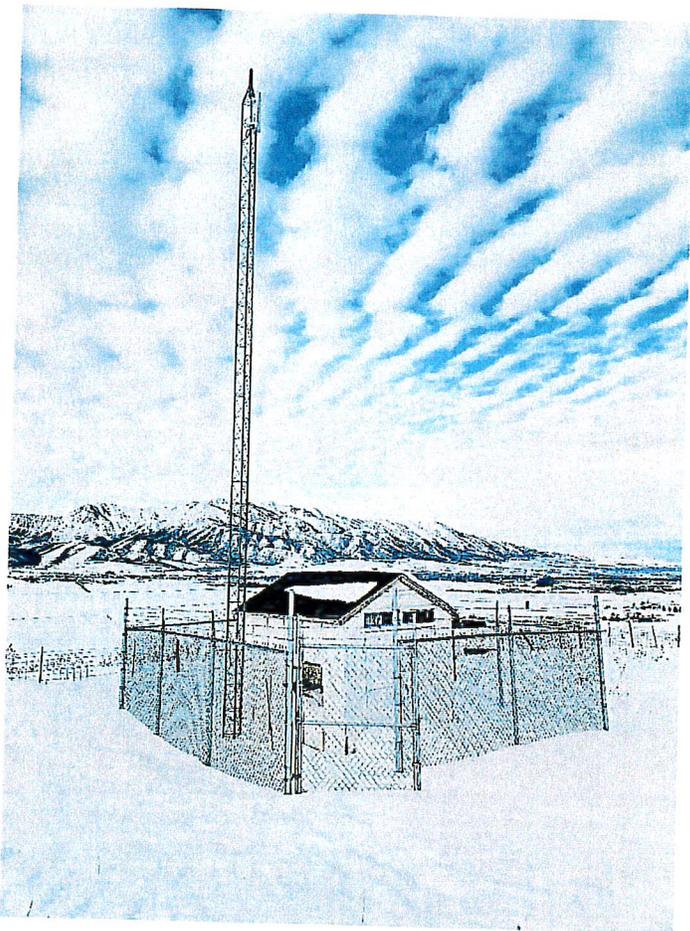
12' ALL-WEATHER SURFACE



FENCING



MORE PICTURES – TOWER / EQUIPMENT EXAMPLES



**ITEM #4
DALLIN RIGGS
PRE-APPLICATION MEETING**

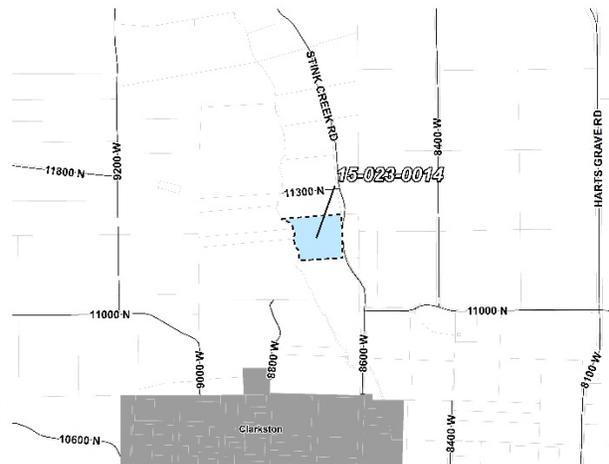
Memorandum

7 March 2024

To: Planning Commission

Subject: Pre-application meeting – Proposed Development of Parcel #15-023-0014

A request has been made by Dallin Riggs, property owner of parcel #15-023-0014, to schedule a pre-application meeting with the Planning Commission to review all applicable codes and identify any preliminary issues likely to be of concern in evaluation a subdivision, as allowed by [Section 16.02.040.A](#) of the Code.



In 2021, the applicant submitted a rezone request for the 12.55-acre property to go from an Agricultural (A10) Zone to a Rural 5 (RU5) Zone. In the [staff report](#), access was addressed as well as the condition of the road at the time of the request (see C.10.a-e in the staff report). The parcel has frontage on 8600 West, a County road. In the report, 8600 West is classified as an Unimproved Road per the Road Manual and described as a gravel road with steep drop-offs, limited site distance due to grades and geometrics, and poor drainage. There is limited summer maintenance along the frontage of the property and winter maintenance stops at the south property line. The findings of fact in the staff report concluded that the existing road does not provide an adequate level of service for development. “If development were permitted on the road, it would be required to meet a minimum Minor Local standard and would need to be fully improved.” County Council approved the rezone as Ordinance No. 2021-11.

In November 2023, the property owner scheduled a pre-application meeting with the Development Review Team, which includes staff members from Development Services, Planning & Zoning, the Fire District, and the Public Works Department, to go over his proposal to build a single-family dwelling on the property. The property owner’s main concern was regarding road improvements and, during the pre-application meeting, the property owner was informed that the Cache County Road Manual and various sections of the development Code does not allow development on inadequate roadways, public or private. Further, required road improvements must be completed along the full frontage of the parcel, not just to the driveway/point of access.

- [Cache County Road Manual](#) 2.4 Improvements to County Roadways
 - 2.4 Improvements to County Roadways
 - A. Any and all improvements made to County roads or within County rights-of-way or roadway easements must meet the minimum standards adopted within this Manual.
 - 1. Basic Improvement Requirements
 - a. Improvements made to roadways through the County’s Capital Improvement Plan or by any other interested parties shall comply with the requirements 2.0 Roadway Design (2021) | Roadway Manual 12 established within this standard based on the functional classification for the roadway.
 - b. A primary access point for all development shall be identified based on current conditions and projected travel demand for the proposed development. A development may be required to provide multiple access points if it is deemed necessary for health, safety and welfare reasons.
 - c. No development shall be approved on inadequate roadways, public or private.
 - i. Roads along the identified access to proposed development shall be required to meet the minimum roadway standards as outlined herein.
 - ii. Development that is serviced by multiple substandard roads shall be reviewed on the ability of the entire road network providing service to said development. Substandard roadways that are not directly adjacent to a proposed development, but that still provide service to the development, shall be required to meet the minimum standards outlined in this section for development to be approved.
 - d. Developer controlled property shall provide all necessary rights-of-way dedication along the frontage of any roadway.
 - e. Roadways shall be constructed across the entire frontage of the proposed development.
- Title 12 Rights of Way, Roadways, and Transportation Facilities, [12.02.020 Development of Roadways](#)

12.02.020: DEVELOPMENT OF ROADWAYS

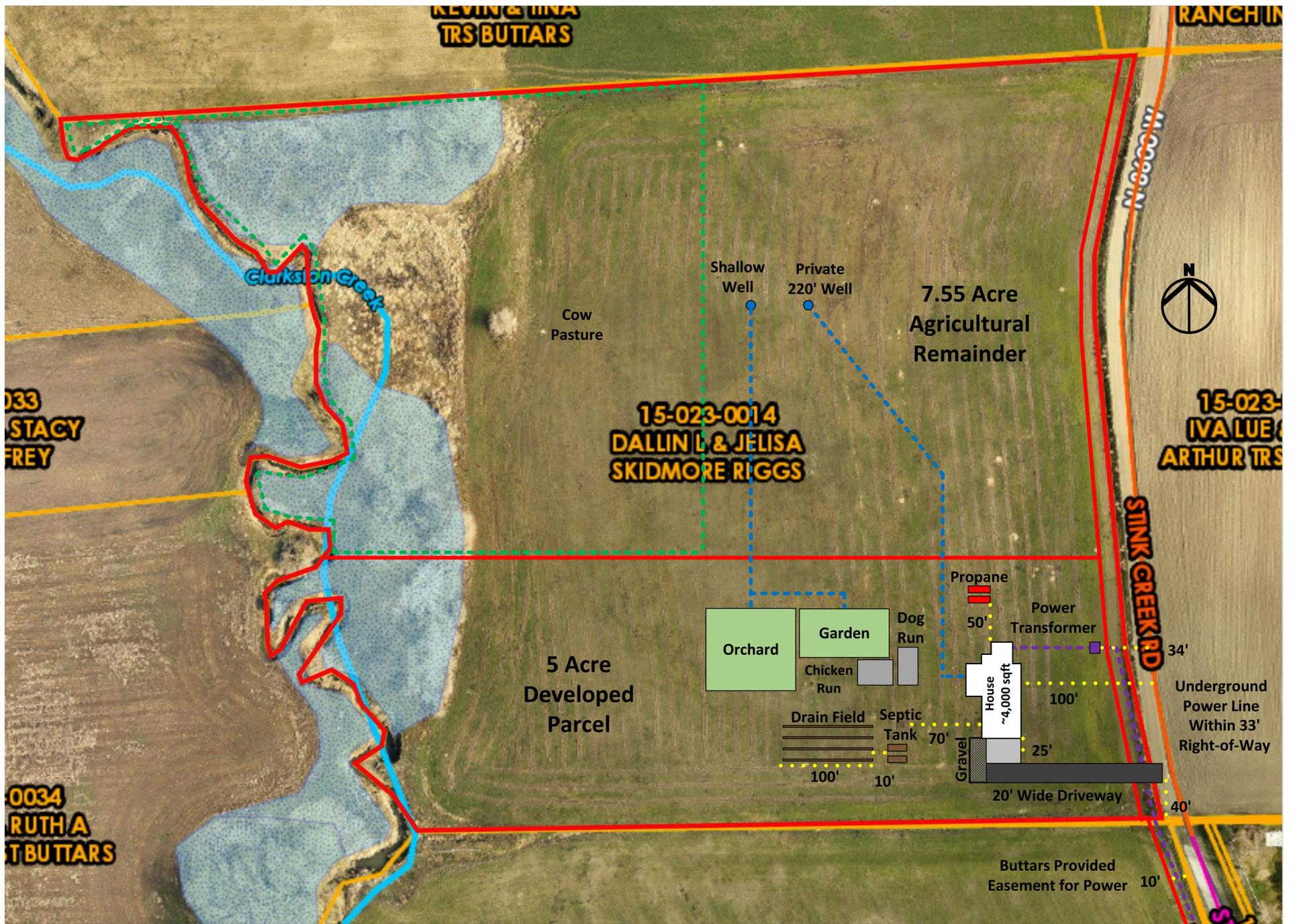
1. The roads in a new subdivision or development must connect to an existing county road, private road, improved state highway, or improved city street. Where the connection to an existing county road, private road, improved state highway, or improved city street cannot occur within or immediately adjacent to the new subdivision or development, the subdivider or developer must acquire the needed

- rights-of-way and construct the required improvements at the subdivider's or developer's expense.
2. Where land abutting an existing substandard roadway is subdivided or developed, the subdivider or developer must at the subdivider's or developer's expense dedicate any necessary rights-of-way and improve the adjacent roadway to conform to the standards and requirements set forth in the Manual. The term "substandard roadway" in this subsection has the meaning given to that term in the Manual.
 3. It is unlawful for any person to commence work upon or within any county right-of-way until a permit has been granted in conformance with the requirements of the Manual.
 4. Any person or entity working within a county right-of-way or on a county facility must pay all costs associated with that work, including costs for the review of design and construction documents, costs for traffic impact studies, and costs for inspections of improvements. Any such costs charged directly by the county as fees must be adopted by the council within a fee schedule.

(Ord. 2013-14, 10-8-2013, eff. 10-23-2013; amd. Ord. 2021-02, 1-12-2021)

Since the pre-application in November 2023, the property owner has sent several emails to Development Services, Planning & Zoning, and the Public Works Department regarding the requirements of the Code. Staff has provided timely responses to the property owner citing the applicable Code references and including explanations. However, the property owner believes there is a different interpretation of the Code that he wants to discuss with the Planning Commission.

The property owner has submitted the attached documents as part of his pre-application request.



Contract No. _____

EXHIBIT E

MASTER ELECTRIC SERVICE AND WORK RELEASE AGREEMENT

Form of Easement Agreement

REV010213

Return to:

Rocky Mountain Power

Lisa Louder/ _____

1407 West North Temple Ste. 110

Salt Lake City, UT 84116

Project Name: _____

Project Tract Number: _____

WO#: 7085929

RW#: _____

RIGHT OF WAY EASEMENT

For value received, Kevin & Tina Buttars, (“Grantor”), hereby grants to PacifiCorp, an Oregon Corporation, d/b/a Rocky Mountain Power its successors and assigns, (“Grantee”), an easement for a right of way 10 feet in width and 540 feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of electric power transmission, distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: supporting towers, poles, props, guys and anchors, including guys and anchors outside of the right of way; wires, fibers, cables and other conductors and conduits therefore; and pads, transformers, switches, vaults and cabinets, on, over, or under the surface of the real property of Grantor in Cache County, State of Utah more particularly described as follows and as more particularly described and/or shown on Exhibit A attached hereto and by this reference made a part hereof:

Legal Description: Beginning 19.92 chains East of a point 5.70 chains North of the Southwest corner of Section 23, Township 14 North, Range 2 West of the Salt Lake Base and Meridian and running thence North 8.38 chains; thence South 88°15' West 16.44 chains to a point in the center of Clarkston Creek; thence Southeasterly along said creek to a point South 88°15' West 12.75 chains of beginning; thence North 88°15' East 12.75 chains to beginning.
ALSO: Beginning at the South quarter corner of the Southwest quarter of Section 23, Township 14 North, Range 2 West of the Salt Lake Base and Meridian and running thence North 5.70 chains; thence South 88°15' West 12.75 chains to Clarkston Creek; thence Southeasterly following said creek to a point on the quarter section line due West of the point of beginning; thence East to the point of beginning.

Excepting therefrom Part of the Southwest quarter of Section 23, Township 14 North, Range 2 West of the Salt Lake Base and Meridian, described as follows: Commencing at the

Southwest corner of Section 23 and running North 552.58 feet and East 1325.39 feet to the true point of beginning; thence North 34°58'13" West 112.380 feet along the East Right of Way line of a county road; thence North 33°46'30" West 143.593 feet along said road; thence North 22°58'31" West 144.30 feet along said road; thence North 88°17'00" East 198.566 feet; thence South 0°20'30" East 350.255 feet to the true point of beginning.

Also excepting therefrom: Commencing at the Southwest corner of Section 23, Township 14 North, Range 2 West and running North 552.58 feet and East 1325.39 feet to the true point of beginning. Thence North 34°58'13" West 112.380 feet; thence North 33°46'30" West 143.593 feet; thence North 22°58'31" West 144.30 feet; thence North 88°16'55" West 50.8 feet; thence South 22°58'31" East 153.8 feet; thence South 33°46'30" East 148.00 feet; thence South 34°58'13" East 190.00 feet; thence North 0°06'03" East 74.79 feet to the true point of beginning.

ALSO: All of the following lying West and South of 8600 West Street of the following described parcel: a parcel of land located in the Southwest quarter of Section 23, Township 14 North, Range 2 West of the Salt Lake Base and Meridian, in Cache County, State of Utah. Beginning at a point South 1151.70 feet, West 246.0 feet, South 32°32' West 166.98 feet, West 768.90 feet; South 66 feet, West 112.20 feet from a point 2 rods West and 80 rods South of the center of said Section 23 to the true point of beginning, and running thence North 800.00 feet; thence East 300 feet; thence South 734.00 feet; thence West 187.8 feet; thence South 66.00 feet, thence West 112.20 feet to the true point of beginning. Less: parcel to Cache County for 8600 West road in book 1002, page 590.

Assessor Parcel No. 15-023-0015

Together with the right of access to the right of way from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefore) the future right to keep the right of way and adjacent lands clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

At no time shall Grantor place, use or permit any equipment or material of any kind that exceeds twelve (12) feet in height, light any fires, place or store any flammable materials (other than agricultural crops), on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for agricultural crops and other purposes not inconsistent, as determined by Grantee, with the purposes for which this easement has been granted.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns.

To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this agreement. Each party further waives any right to consolidate any action in

which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

Dated this 16 day of November, 2023.

Kevin Butters
(Insert Grantor Name Here) GRANTOR

Lina Butters
(Insert Grantor Name Here) GRANTOR

Acknowledgement by an Individual Acting on His Own Behalf:

STATE OF Utah)
) ss.
County of Cache)

On this 16 day of November, 2023, before me, the undersigned Notary Public in and for said State, personally appeared Kevin & Lina Butters (name), known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that (he/she/they) executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Brandi Baker
(notary signature)

NOTARY PUBLIC FOR Utah (state)

Residing at: North Logan (city, state)

My Commission Expires: NOV 20, 2025 (d/m/y)

Property Description

Quarter: _____ Quarter: _____ Section: 23 Township 14 (N or S), Range 2 (E or W), _____ Salt Lake Base _____ Meridian
 County: Cache State: Utah
 Parcel Number: 15-023-0015



CC#: WO#: 7085929
 Landowner Name: Kevin Buttars
 Drawn by: Dallin Riggs

This drawing should be used only as a representation of the location of the easement being conveyed. The exact location of all structures, lines and appurtenances is subject to change within the boundaries of the described easement area.

EXHIBIT A



SCALE: _____

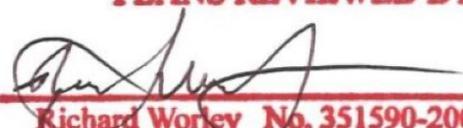


Cache/Rich Counties
85 E 1800 N
North Logan, UT 84341
(435) 792-6570

Box Elder County
817 W 980 S
Brigham City, UT 84302
(435) 734-0845

Permit to Install Septic System

Owner:	Dallin Riggs
Property Address:	11300 North 8800 West Clarkston UT 84305
City:	Clarkston
County:	Cache
Tax ID:	15-023-0014
Phone #:	(385) 319-6565
Subdivision and lot #:	

DATE 11/13/2023
PLANS REVIEWED BY:

Richard Worley No. 351590-2001
Licensed Environmental Health Scientist
Bear River Health Department

Type of system: Basic, Gravel Drainfield, Gravelless Drainfield
Minimum septic tank size: 1750 gallon or two 1000 gallon tanks in series
Maximum depth of Absorption trenches or pit: 12 to 18 inches into virgin soil
Elevation of top of sewer pipe exiting foundation: 6 inches above virgin soil
Minimum absorption area: 420 linear feet (pipe and gravel) or 300 linear feet (34 inch wide plastic chambers)

Comments/instructions:
 The septic drainfield must be a minimum of 100 feet from the creek, wetlands, and well.

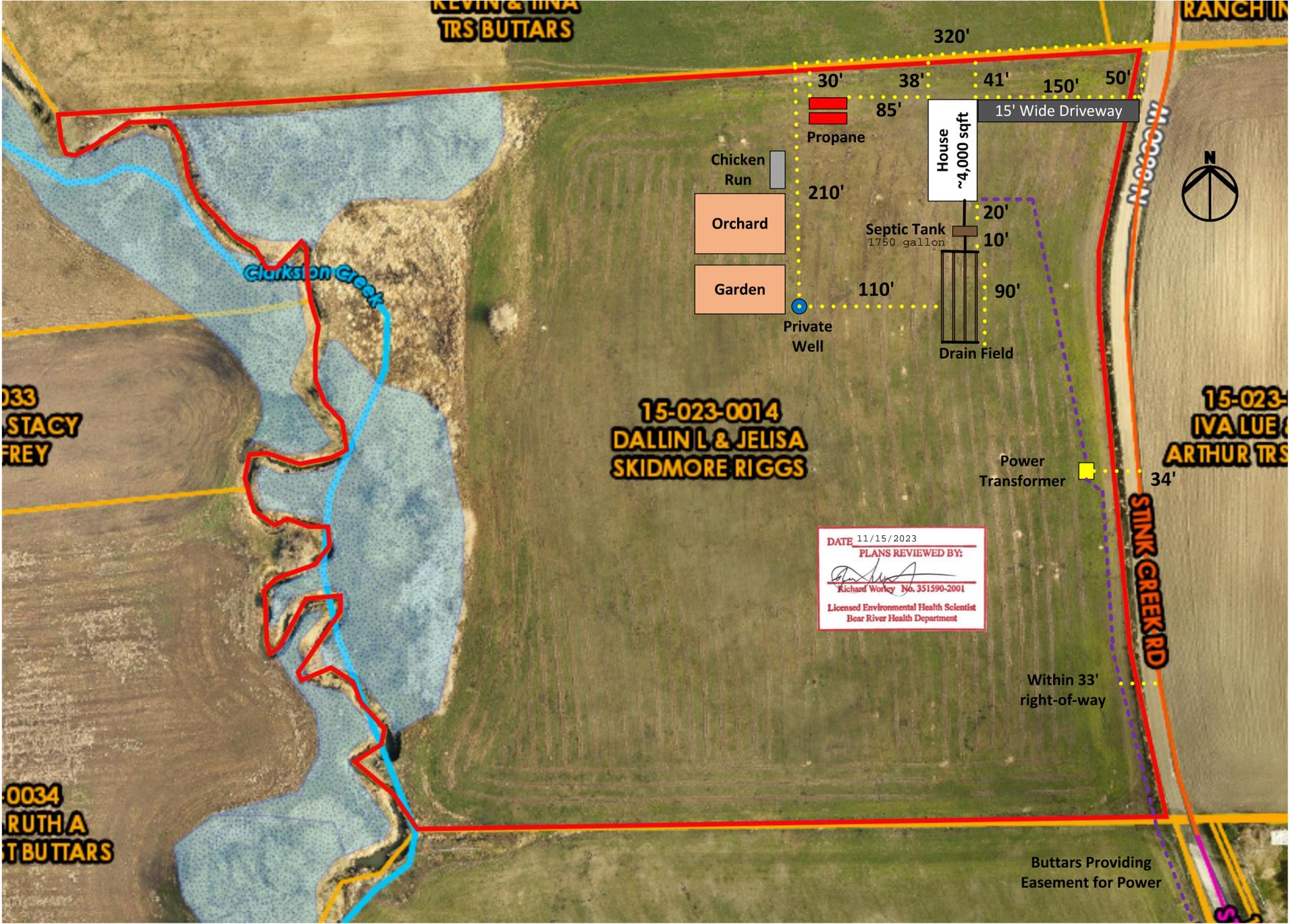
CONSTRUCTION GENERAL REQUIREMENTS

- Prior to installation, all minimum setback distances and the elevation of sewer exiting the foundation shall be field verified. If there are any issues, contact the health department before proceeding with the installation.
- The gravel fill used in the absorption trenches or pit shall be free from fines, dust, sand, or organic material.
- Absorption area excavations and piping shall be level.
- Sewer pipes shall be installed on a foundation of undisturbed earth, or stabilized earth that is not subject to settling.
- Absorption systems may not be excavated when the soil is wet enough to smear or compact easily.
- The absorption area shall be protected from soil compaction prior to and during construction.
- All smeared or compacted surfaces should be raked to a depth of 1 inch, and loose material removed before the absorption system components are placed in the excavation.
- If the septic tank burial depth is greater than four feet, Risers will need to be installed on the inlet and outlet side, and a septic tank approved for greater than a four-foot burial depth must be used.
- Building sewer placed under driveways or other areas subjected to heavy loads shall be constructed to ensure against crushing or disruption of alignment.
- Final grading shall prevent ponding throughout the entire system area and promote surface water runoff.

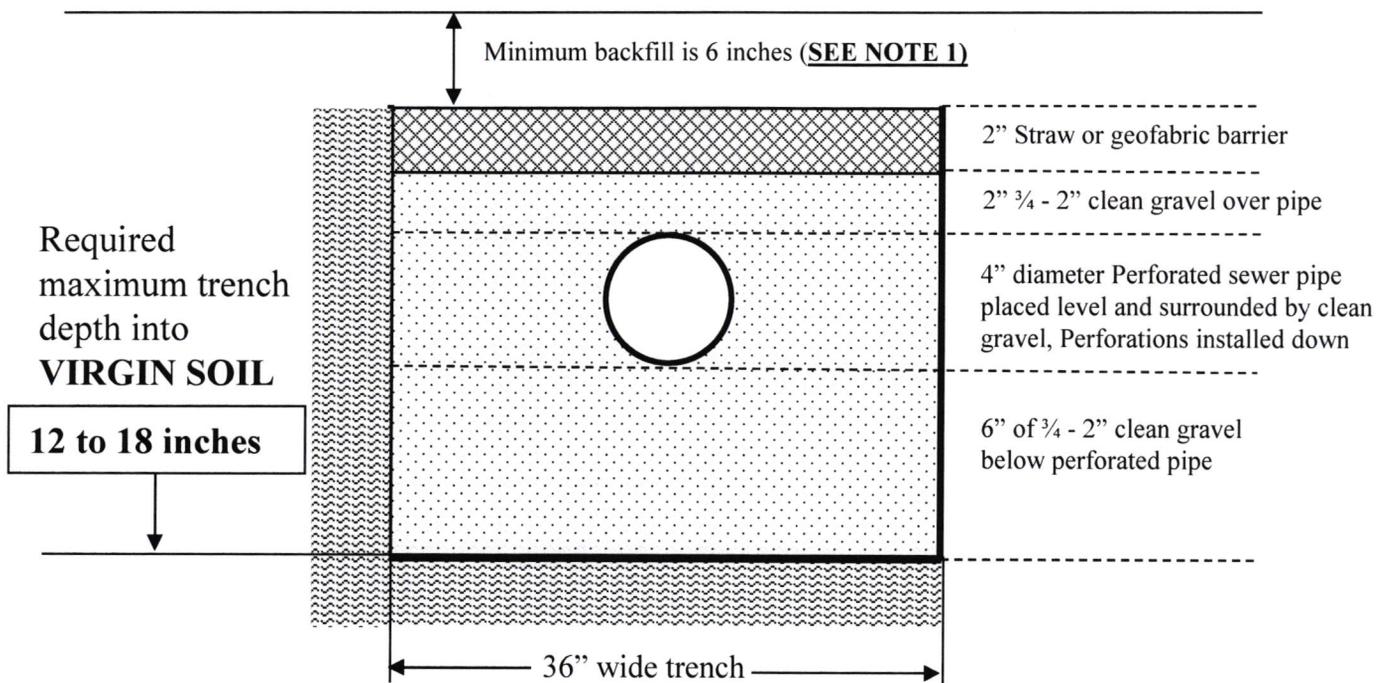
Permit expires one year from date of approval. By signing this permit, owner agrees to install system as specified. Any changes must be approved by the Health Department before construction. This permit is based on minimum design standards, and in no case does it guarantee against the failure of the installed system. The performance of the system is affected by many other factors, such as operation, maintenance, wastewater contents, etc., not addressed by the standards. An inspection is required before backfilling.

Signature Dallin Riggs

Date 11/15/2023



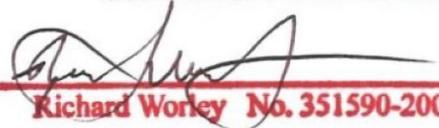
Pipe and Gravel Option



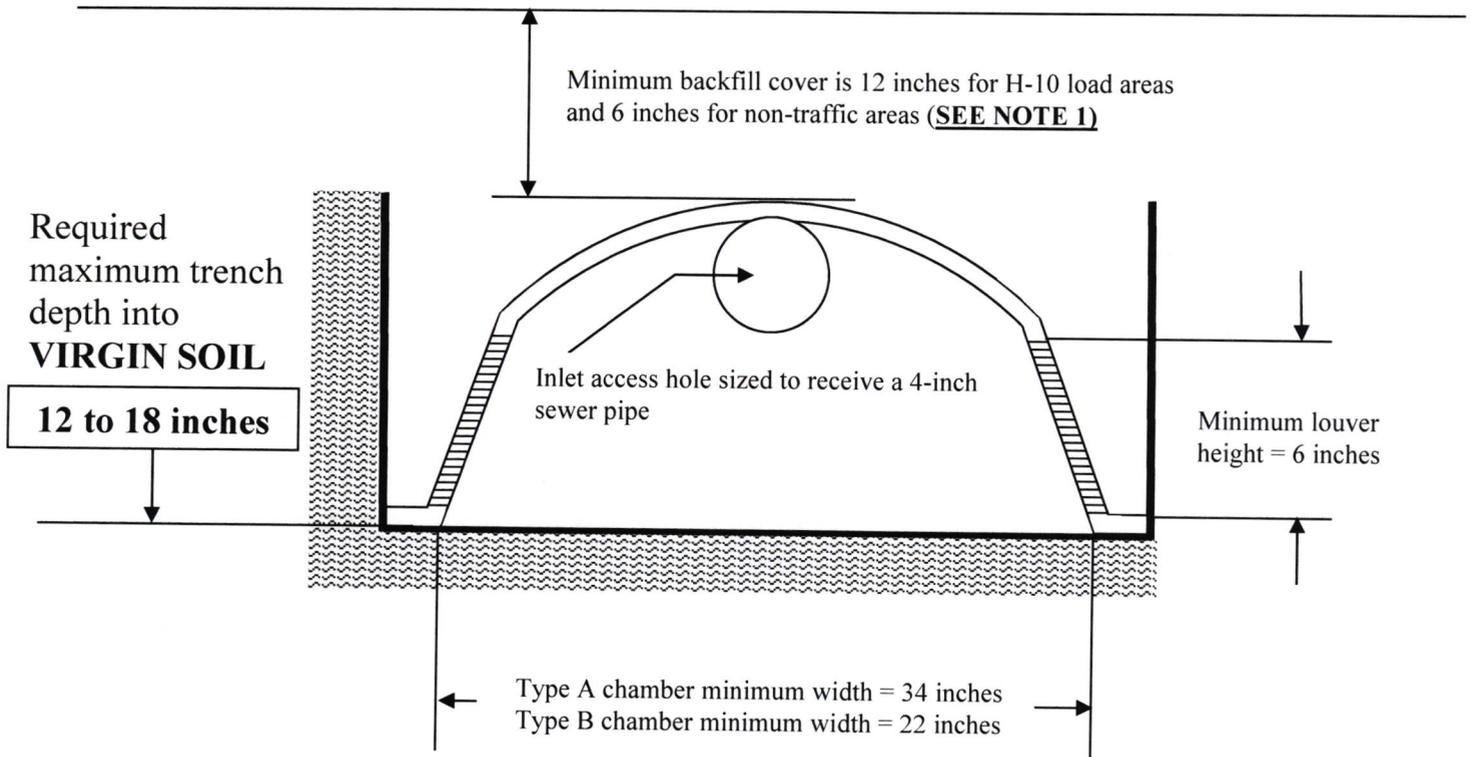
Notes:

- 1 Backfill cover will be mounded above the virgin ground surface if the required maximum trench depth into the virgin soil is detailed above at less than 18 inches.
- 2 System to be inspected before backfilling.
- 3 If you have any questions, please call (435) 792-6570.

Tax ID: 15-023-0014
County: Cache

DATE 11/13/2023
PLANS REVIEWED BY:

Richard Worley No. 351590-2001
Licensed Environmental Health Scientist
Bear River Health Department

Chambered Trench option



Notes:

- 1 Backfill cover will be mounded above the virgin ground surface if the required maximum trench depth into the virgin soil is detailed above at less than 18 inches.
- 2 System to be inspected before backfilling.
- 3 If you have any questions, please call (435) 792-6570.

Tax ID: 15-023-0014
County: Cache

DATE 11/13/2023

PLANS REVIEWED BY:

Richard Worley

Richard Worley No. 351590-2001

**Licensed Environmental Health Scientist
Bear River Health Department**



Right-of-Way Encroachment Permit

Major: 2023-056

Deposit: \$500

Fee: \$250

Payment Type:

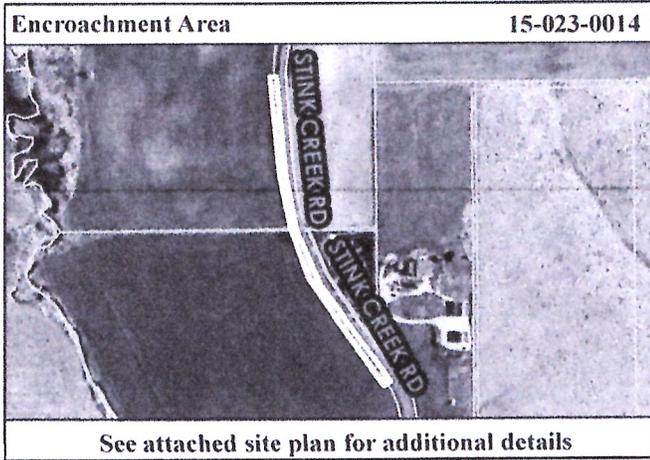
Receipt#:

Contact Information:

Dallin Riggs
385-319-6565 dallinriggs@gmail.com
2907 S 2400 W Apt B Wellsville, UT 84339

Contractor Contact Information:

Dynamic Electric Inc
435-790-5770
610 S 2500 W Vernal, UT 84078
License# 154294-5502



Project Type: Utility installation

Project Description: Rocky Mountain Power line extension to parcel 10-023-0014

Conditions:

1. A copy of the approved Site Plan, Traffic Control Plans, and a signed copy of this Permit shall be on the construction site whenever any work is in progress.
2. Traffic Control Plan, signs, and channelizing devices shall conform to the MUTCD standards as a minimum
3. The applicant and/or contractor must adhere to the submitted site plans and shall not deviate from the approved work plan without approval of the Public Works Department.
4. All work shall conform to the current Cache County Standards and Specifications
5. Roadway and shoulders damaged during construction must be restored to original or better conditions
6. The service line must be at least three 3 feet below existing grade or bottom of any drainage channel whichever is the lowest point.
7. Any impacts to swales or drainage shall be restored by contractor
8. Contractor/owner is responsible for verifying location of right-of-way and easements.
9. New above ground facilities must be placed outside of future County right-of-way

Acknowledgement: I understand that I must comply with all County standards and conditions, other general safety requirements, and the approved plans with respect to performance of the work identified in this permit. Failure to comply with any items as listed herein shall result in the County's issuance of a Stop Order until the violation(s) is corrected. When satisfactory corrective action is taken, the County may order resumption of work.

I understand that I shall not perform any work on County right-of-way beyond those areas or operations stated herein, and that I must properly safeguard said work to prevent accidents and shall indemnify and hold harmless Cache County from all damages arising out of any and all operations performed under this permit. In the event that I fail to meet the conditions of this permit and legal action becomes necessary, I agree to pay any and all reasonable attorney fees and court costs incurred in said action.

I understand that I must contact the County Public Works Dept. at (435) 755-1639 two (2) business days prior to commencement of said work and again at the time work is completed. I understand that failure to do so will be considered a violation of this permit. **This permit shall expire and be void one (1) year from the date of approval.**

Dynamic Electric Inc *01/19/24*
Contractor Issuance Date

Healy Pharis *01-19-24*
Agent/Owner Issuance Date

[Signature] *01/19/24*
Signature Date

Approved	<i>[Signature]</i>	01-23-24
Completed		

**ITEM #5
ANNUAL DISCLOSURES
AND
CONFLICT OF INTEREST**



Sworn Statement Form - Conflicts of Interest

CONFLICT OF INTEREST

I am providing a sworn statement for the following conflict of interest (check all that apply):

1. Compensation for Assistance in Transaction Involving County (Utah Code Section 17-16a-5; Cache County Code Section 2.62.040)

An officer or employee with this type of conflict must file a sworn statement with the County Council or the body on which they are a member giving the information required by Cache County Code 2.62.040.C.1-3, and the officer or employee must disclose this information in open meeting to the members of the County Council or body of which they are a member. The sworn statement shall be filed with the County Council 10 days prior to the date of any agreement between the county officer or employee and the person or business entity being assisted or 10 days prior to the receipt of compensation by the business entity.

2. Interest in Business Entity Regulated by the County (Utah Code Section 17-16a-6; Cache County Code Section 2.62.050)

For this type of conflict, an officer or employee must file this sworn statement with the Cache County Council. This statement does not need to be filed for instances where the value of the interest is less than \$2,000, and life insurance policies and annuities may not be considered in determining the value of the interest.

Under Cache County Code and Utah Code, this disclosure is required to be made publicly when the officer or employee is first appointed or elected and during the January of each year thereafter.

3. Interest in Business Entity Doing Business with County (Utah Code Section 17-16a-7; Cache County Code Section 2.62.060)

The statement required for this conflict shall be disclosed publicly to the County Council or body on which they are a member immediately prior to any discussion by such body matters relating to such business entity, the nature of their interest in that business entity. The disclosure statement shall be entered in the minutes of the meeting.

4. Investment Creating Conflict of Interest with Duties (Utah Code Section 17-16a-8; Cache County Code Section 2.62.070)

The statement required for this conflict of interest shall be disclosed in open meeting to the members of the body of which they are a member or the Cache County Council if they are not members of a body that holds public meetings.

SWORN STATEMENT

I, _____ [name of officer or employee], hold the position of _____ for Cache County.

My address is: _____

