This staff report is an analysis of the request 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 request. Additional information may be provided that supplements or amends this staff report.

MEMORANDUM

May 13, 2022

TO: Cache County Board of Adjustments
FROM: Tim Watkins, Planning Manager

RE: Appeal - Hollow Ridge RV Campground Conditional Use Permit

This memorandum is provided in response to an appeal to the Cache County Planning Commission’s decision on February 3, 2022 to approve the Hollow Ridge RV Campground Conditional Use Permit (CUP). The appeal was submitted to the Development Services Office on February 17, 2022 by Mr. Thomas L. Johnson and Ted Stokes, representing Dry Canyon Neighborhood Watch, Inc. The conditionally approved CUP outlines conditions to develop a maximum of 65 campsites on 20.23 Acres within the A10 zone, located at approximately 1400 East 300 South near Smithfield.

As provided under Title 17.02.060 Appeal a Land Use Authority Decision, item E.,
“Using Substantial Evidence as the standard of review, the appeal authority determines the correctness of a decision of the land use authority in its interpretation and application of the land use ordinance”.

And as found in Utah Code section 17-27a-707, items 3 and 4,
“(3) If the scope of review of factual matters is on the record, the appeal authority shall determine whether the record on appeal includes substantial evidence for each essential finding of fact.
(4) The appeal authority shall:
(a) determine the correctness of the land use authority’s interpretation and application of the plain meaning of the land use regulations; and
(b) interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.”

Following the CUP approval and appeal, the CUP applicant and Cache County Development staff became aware of additional State regulations related to water and wastewater treatment systems on March 23, 2022. Following a review of these additional rules, the noted information was also shared with the appellants. In this review, staff also found an apparent conflict between the State regulations and the conditions of the CUP.

In staff’s review of the Commission’s actions, the appeal, and State regulations, staff finds that:
1. The CUP process followed the proper State and County processes in the review and consideration of the proposed use.
2. A conflict exists between the CUP requirement that prohibits on-site dumping of sewage and the provisions in State Rule R392-301 that require on-site dumping with either a sewer connection or on-site wastewater system.

Based on finding #2 above, staff recommends that the Cache County Board of Adjustments (Board) act to either 1) Deny the appeal; or 2) To remand the CUP back to the Commission for further consideration with regard to the conflict with the State regulations. The Appeal, CUP and additional State regulations are attached as part of the following Exhibits:

Exhibit A - Appeal Application
Exhibit B - CUP Staff Report with Attachments & Exhibits
Exhibit C - State Administrative Rules Applicable to Recreational Vehicle Park Sanitation (R392-301)
Exhibit D - February 3 2022 Planning Commission Agenda and Public Participation Guide
Exhibit E - Whittaker Properties, LLC Renewal Document

SUMMARY OF APPEAL AND CACHE COUNTY DEVELOPMENT STAFF RESPONSES

1. Introduction. The appellant claims that the Cache County Planning Commission (Commission, or Commissioners):
   a. Acted in violation of pertinent law (this appears to be addressed in Appeal Item I); and
   b. Acted contrary to the County ordinance (this appears to be addressed in Appeal Item II); and
   c. Acted contrary to the facts presented in opposition to the CUP request (this appears to be addressed in Appeal Item II); and
   d. Acted in an arbitrary and capricious process (this appears to be addressed in Appeal Item III); and
   e. Acted contrary to principles of fairness and due process (this appears to be addressed in Appeal Item III); and
   f. Approved a CUP for a business that no longer exists.

   Staff Response to Introduction Claims
   With the exception of item 1f. above, these items are addressed in other sections of the appeal. Specific to item 1f., and according to the State of Utah’s Division of Corporations and Commercial Code, the owner of the property, Whittaker Properties, LLC, does exist, was last renewed on December 29, 2021, and will need to be renewed again on December 31, 2022 (See Exhibit E - Whittaker Properties, LLC Renewal Document).

2. Appeal Item I. Suggests that the Commission was misled by Staff and failed to rely on pertinent law by unduly considering the CUP applicant’s potential cost burden to mitigate some of the identified impacts.

   Staff Response to Appeal Item I
   The appellant has provided a narrowly crafted opinion related to the burden of cost and the Commission’s and Staff’s understanding of the law, but has not provided evidence that substantiates their claim that the Commission failed to follow the law. In fact, it is Staff’s view that a plain reading of the record indicates that the Commission relied upon pertinent law in
their process and decision making.

As provided in Reference 1. **State Code Section 17-27a-506. Conditional uses** (below), Section (2) (a) (i) states that a land use authority shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards (underlinings added for emphasis). (2) (a) (ii) states that the requirement described in Subsection (2)(a)(i) to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects.

As further described in Staff’s response to Appeal Item II, below, the commission considered Staff analysis, multiple public comments and posed questions directly to the applicant in an effort to identify reasonable impacts, and identify reasonable design solutions as conditions to mitigate anticipated detrimental effects.

As required by State law, the Commission’s focus was on a sufficient level of mitigation to reasonably mitigate impacts. For example, Condition 5 provides options to the applicant to reduce dust from a proposed interior roadway by stating that “In order to reduce dust, the interior roads must consist of a gravel surface treated with dust-reducing spray such as magnesium chloride, pavement or similar material that reduces dust from the interior roadway.”

Condition 7. Requires fencing primarily to warn campers of potential hazards and property property boundaries without specifying a type or material of fencing. The condition states that “fencing delineating the property boundaries and restricting access to adjacent properties must be maintained and/or installed, and signs must be placed on the fencing warning campers of potential hazards and property boundaries.”

3. **Appeal Item II.** States that the Planning Commission failed to comply with County Ordinances by treating the conditional use request as a matter of right, and not sufficiently applying special consideration so that the design, location, and operation will not interfere with other persons’ “enjoyment of surrounding properties.”

**Staff Response to Appeal Item II.**
Commissioners read written public comments, and invited and heard additional comment at two public meetings, including the December 2, 2021 and February 3, 2022 Commission meetings. These meetings were noticed and conducted in accordance with applicable County and State Code (see Staff response to Appeal Item III. and Exhibit D. - February 3, 2022 Planning Commission Agenda and Public Participation Guide).

The Commission and Staff deliberated to identify if reasonable conditions had been proposed, or might be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use.

As the Land Use Authority in this case, Commissioners relied on their training and the State statutes contained in § 17-27a-506 of the Utah Code (referenced below). These statutes require in (2)(a)(i) that a **land use authority shall approve** a conditional use if reasonable conditions are
proposed . . . to mitigate the reasonably anticipated detrimental effects of the proposed use, that (2)(a)(ii) to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects, and (1)(b) that a county may not impose a requirement or standard on a conditional use that conflicts with a provision of this chapter or other state or federal law.

The Utah Land Use Institute training handbook to Utah Land Use Regulation ‘Ground Rules’ states that denial of conditional use permit may only occur in narrow circumstances, and that it must be “shown with documented findings of fact and conclusions of law that the proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards (pgs 81-82).”

The Commission also cannot make the applicant responsible for the impacts of unregulated or unpermitted activities occurring off-site on adjacent or nearby properties.

§ 17.06.050.B.2. Of the County Code requires CUP review based on standards and criteria related to the following items, as summarized below:

a. **Health, Safety, and Welfare** (not detrimental to the public health, safety and welfare of persons residing or working in the vicinity),

b. **Compliance with Law** (compliant with the County Code and other applicable agency standards, and consistent with County General Plan and ordinances and compatible with nearby uses),

c. **Adequate Service Provision** (ability for essential services must be reasonably met by local service providers),

d. **Impacts and Mitigation** (such as odor, vibration, light, dust, smoke, noise, impacts on sensitive areas, and/or disruption of agricultural practices).

In following the above noted standards and criteria, Staff provided the Commission with a summary of the reasonably anticipated detrimental effects of the proposed use that may result from the proposed RV Campground, and the mitigating conditions to address those possible impacts. This information was reviewed and then further modified by the Commission during their consideration of the proposal. These conditions applied applicable county code requirements, and additional context specific requirements to specifically address the proposed campground use in context of the surrounding land uses.

The County Code states in § 17-10.040.3.a. That water and sewage facilities shall comply with the requirements of the Bear River Health Department, the Utah Department of Environmental Quality, and the Office of the State Water Engineer. These agencies shall be considered the county experts in evaluating the proposed sewage and culinary water supply system.

(1) (a) A county may adopt a land use ordinance that includes conditional uses and provisions for conditional uses that require compliance with objective standards set forth in an applicable ordinance.
(b) A county may not impose a requirement or standard on a conditional use that conflicts with a provision of this chapter or other state or federal law.

(2) (a) (i) A land use authority shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
(ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects.
(b) If a land use authority proposes reasonable conditions on a proposed conditional use, the land use authority shall ensure that the conditions are stated on the record and reasonably relate to mitigating the anticipated detrimental effects of the proposed use.
(c) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the land use authority may deny the conditional use.

(3) A land use authority's decision to approve or deny a conditional use is an administrative land use decision.

(4) A legislative body shall classify any use that a land use regulation allows in a zoning district as either a permitted or conditional use under this chapter.

(Amended by Chapter 385, 2021 General Session)

Appeal Item II. Sewage and Wastewater. A specific point of appeal states that the Commission failed to require sufficient mitigation of wastewater and sanitation. The CUP applicant proposed to offer a pumping service to the campground rather than provide an on-site dumping facility, however, appeal argues that this proposal was not sufficiently reviewed to demonstrate feasibility, and that the Commission did not document it in the findings and conclusions. The appeal also raises concern that the proposed site plan does not offer restrooms for any potential tent campers.

Staff Response to Appeal Items II. Sewage and Wastewater: The burden of determining financial or operational feasibility of a pump truck service falls on the CUP applicant as part of meeting the conditions of approval. If not feasible, then the applicant would face a decision to either proceed with meeting the CUP conditions, bring the CUP back to the County Land Use Authority for approval of a modification or withdraw the CUP (see Condition 3, below).

Following the CUP approval, the applicant and County Development Staff received additional State regulations specific to an RV Campground (or RV Park) from the Bear River Health Department on March 23, 2022. These regulations require access to, or development of a public
water system and wastewater system meeting specific Plumbing Code and Utah Department of Environmental Quality / Health Department standards. These requirements were not considered during the CUP review (see Exhibit C - State Administrative Rules Applicable to Recreational Vehicle Park Sanitation (R392-301).

Staff also shared the R392-301 administrative rules with the appellants.

Condition 2 and 3, the Letter of Intent and Rules referenced below make it clear that no on-site dumping is allowed, which is in conflict with the State rules that require an on-site dumping station with either a sewer connection or an on-site wastewater treatment system. In spite of this conflict, the State rules prevail in this case.

Reference 2. Excerpts from Exhibit A. (CUP Staff Report and Application)

Condition 2 from the revised (final) CUP report requires that off-site management and camp host supervision must include the installation of a web-cam that provides visibility of the property for guest use supervision. Management must enforce the campground rules and regulations, and be responsive to guest and nearby resident complaints specific to noted campground rules and regulations, and permit conditions.

Condition 3 requires that the applicant and operator(s) must abide by the information as provided in the application and the information and conditions as identified in this report. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. Revised site plans must include, but are not limited to, the site improvement plan, site grading, site drainage, parking and other site details including required setbacks from the property line after the road dedications have been made.

These conditions require compliance with the CUP Letter of Intent and proposed rules, which effectively incorporates these attachments into conditions. Specific to water and wastewater system requirements, the following provisions apply to the CUP:

Hollow Ridge RV Campground Letter of Intent g). Waste and/or garbage. It is anticipated the site will require three 4-yard front load dumpsters for trash management. No sewer dumping allowed on the site. Guests will utilize RV septic tank pumping service (Honey Bucket, etc.), scheduled to service the campground every 1-2 days, facilitated by management.

Hollow Ridge RV Campground Rules & Regulations
SEWER MANAGEMENT: No sewer dumping allowed on the site. Guests will utilize RV septic tank pumping service (Honey Bucket, etc.), scheduled to service the campground every 1-2 days, facilitated by management. Tenants who do not follow campground rules by responsibly handling their waste will be removed from the campground and be charged a $200 fee from their credit card on file.
Appeal Item III. Suggests that the CUP review process by the Commission violated both Utah and Federal standards. Arguments in support of this claim are a) that Staff inappropriately met with the applicant through ex parte communications and that no meetings with Staff were held with those opposed to the CUP, b) that only one hearing was held during which opportunity for public comment was “severely curtailed,” and c) that due process was not properly applied to noticing, hearing, and tribunal proceedings.

Staff Response to Appeal Item III:

a) § 17.02.030 of the County Code establishes the Planning Commission as the Land Use Authority responsible for conditional use permit actions. Staff’s role is to process a CUP application and to identify potential impacts and applicable standards and/or mitigations that could be presented to the Land Use Authority for consideration. Commissioners did not meet with the applicant outside of the noticed public meeting to avoid any ex parte communications.

b) The Chair is not required to, but did accept public comments during the December 2, 2021 and February 3, 2022 Planning Commission meetings. The Chair requested a limit of public comments to 3 minutes per person. The number of comments were limited on February 3, 2022 with a request to only address new information and proposed mitigations presented by the applicant in follow up to the December 2, 2021 meeting.

c) Consideration of a CUP request is an administrative review delegated to the Planning Commission by the County Council. A CUP review is not a ‘public hearing’ process applicable to legislative review such as a zoning map amendment or amendment to the County Code. Although an administrative review does not require public comments, Staff provides all written public comments to the Planning Commission, and the Chair typically provides opportunities for public comments and questions during the public meeting review. As differentiated in § 17.02.070 Notice for Public Meetings, notices and proceedings for public meetings vs. public hearings are applied in conformance with the Open and Public Meetings Act 52-4 and section 17-27a-2 of the State Code.

i) **State code §17-27a-205** requires a minimum 24 hour public notice for administrative reviews held in a public meeting. Cache County posts the agenda of a Planning Commission meeting 2 weeks prior to a scheduled meeting.

ii) The media packet for the meeting included a public participation guide that included a description of how a legislative public hearing vs. an administrative public meeting functions. The guide states when acting in their administrative capacity, the Planning Commission has little discretion and must determine whether or not the landowner’s application complies with the County Code, and that review of CUP’s, subdivisions and subdivision amendments are not required to be opened to public comment (see Exhibit D - February 3 2022 Planning Commission Agenda and Public Participation Guide).

Appeal Item IV. States that some conditions were left off of the final CUP.

Staff Response to Appeal Item IV. This issue is addressed in Reference 2 above, and that ties the CUP letter of intent and proposed campground rules to the conditions. The letter of intent states under b). Management, that camp host office hours are anticipated to be from 7:00 a.m. to 3:00 p.m. and by appointment or on-call outside of those hours as needed. Condition 2 states the requirement to install a web-cam for remote supervision of the campground.
**Appeal Conclusion.** Requests that the Board of Adjustments reverse the granting of the CUP, or, in the alternative, to remand the Commission to rehear and reconsider the matter with appropriate and full consideration being given to all parties, not just the applicant.

**Staff Response to Appeal Conclusion.** A CUP application review is an administrative review by the Planning Commission acting as a Land Use Authority. The CUP public review process was appropriately noticed, and public comments were accepted and considered in an appropriate manner. Staff met with the applicant to work through standards and requirements and to assist the applicant in preparing for the Planning Commission review. Based on these facts, reversing the CUP approval on this basis is not appropriate.

In light of the State requirements for RV campground / RV park water and wastewater systems that were noted after the Planning Commission CUP approval:

1. The appeal may be denied as the State requirements are applicable in spite of the conflict with the CUP condition; or
2. The CUP may be remanded back to the Planning Commission to address the inconsistency between the CUP condition and the State Administrative Rules Applicable to Recreational Vehicle Park Sanitation (R392-301).
1. Applications are accepted by appointment only.
2. Incomplete applications will not be accepted.
3. Late applications will be held for the next meeting’s agenda.
4. The application fee is not refundable.
5. Any information submitted with this application becomes public record and is posted online.

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

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<tr>
<th>Planning Commission (1st Thursday of each month*)</th>
<th>County Council (2nd &amp; 4th Tuesday*)</th>
<th>Board of Adjustments (3rd Thursday of each month)</th>
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Development Services Department
179 North Main, Suite 305
Logan, Utah 84321
www.cachecounty.org/devserv
devservices@cachecounty.org
(435) 755-1640
Appeal - Application Checklist and Acknowledgment:

A completed application must include the following unless specified otherwise:

1) ☑ A completed application form and non-refundable review fee (cash or check only):
   Appeal: $300

2) ☑ A plat map for each property.

3) ☑ The legal description with any existing covenants & deed restrictions and current taxation
certification for each property.

4) ☑ The name(s) and full mailing address(es) for all owner(s) of each property.

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

6) ☑ A notice of appeal specifying:
   (i) The decision being appealed and the parties making the appeal.

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

Acknowledgment

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

[Signature] 2/17/22
Hollow Ridge RV Campground Appeal

Interested Parties:

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

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

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

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

   Thomas L. Johnson
   1108 E. 300 S.
   Smithfield, UT
   84335
   505-328-2811
   Silveralpine2204@gmail.com
Important: Read instructions before completing form  
Non-Refundable Processing Fee: $30.00

1. Name of Corporation: Dry Canyon Neighborhood Watch, Inc.

2. Purpose: Protect the interest of home owners living in the area of Smithfield/Dry Canyon.

3. Who/What is the name of the Registered Agent (Individual or Business Entity or Commercial Registered Agent)?
   Stokes Law PLLC

The address must be listed if you have a non-commercial registered agent. What is a commercial registered agent?
Address of the Registered Agent: 2072 North Main, Suite 102
Utah Street Address Required, PO Boxes can be listed after the Street Address

City: North Logan  
State UT  
Zip: 84341

4. Name, Signature and Address of Incorporator
(attach additional page if there is more than 1 incorporator)

   Ted F. Stokes
   Name
   2072 North Main, Suite 102
   Address
   North Logan  
   UT  
   84341
   Signature:  
   Date: 02/15/2022

5. Voting Members: The nonprofit corporation [ ] will [X] will not have voting members.

6. Shares: The nonprofit corporation [ ] will [X] will not issue shares evidencing membership or interests in water or other property rights.

   The aggregate number of shares that the nonprofit corporation has authority to issue shall be

   The shares [ ] will [X] will not be divided up in to classes.

   Type 1: [ ] Number of Shares
   Statement:

   Type 2: [ ] Number of Shares
   Statement:

7. Assets: Upon dissolution assets of the corporation will be distributed in a manner consistent with law.

8. Principal Address: 2072 North Main, Suite 102
   North Logan  
   UT  
   84341

   1. Ted F. Stokes
      Name
      2072 North Main, Suite 102, North Logan, UT 84341
      Address
      Vice President
      Position

   2. Tom Johnson
      Name
      2072 North Main, Suite 102, North Logan, UT 84341
      Address
      President
      Position

9. Name and Address of Directors:
   (attach an additional page if there are more than 3 directors)

   3. 
      Name
      Address
      Select Position from the dropdown
      Position

Under GRAMA 63G-2-201, all registration information maintained by the Division is classified as public record.

Optional Inclusion of Ownership Information: This information is not required.
Is this a female owned business? [ ] Yes [X] No
Is this a minority owned business? [ ] Yes [X] No  If yes, please specify:
Select/Type the race of the owner here

01/14
NOTICE OF APPEAL
by
BY DRY CANYON NEIGHBORHOOD WATCH, INC.
and
THOMAS L. JOHNSON
from
CACHE COUNTY PLANNING COMMISSION
APPROVAL OF CUP FOR HOLLOW RIDGE RV CAMPGROUND
FEBRUARY 3, 2022

INTRODUCTION

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

Appellants are Dry Canyon Neighborhood Watch, Inc., a non-profit corporation formed to protect the interests of residents of Smithfield who live in the immediate vicinity of the proposed RV Campground, and Thomas L. Johnson, a resident of
Smithfield who lives in the immediate vicinity of the proposed development on the street the applicant proposes to use to provide access to the facility.

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

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

Staff also presented as an issue whether mitigating conditions might be "overly burdensome," with Commission members and the Applicant interpreting that to mean that the cost of the reasonable conditions that are needed to mitigate the detrimental effects of the project are problematic because they might negatively
affect the profitability of the RV Campground. That is a misapplication of law as to what factors enter into the analysis. The balance to be set is not in how much money the developer needs to expend to make a substantial profit, but whether the duty imposed on the applicant to mitigate the detriment is fairly balanced with “the burdens the proposed development places on community resources.”  

Ground Rules: Your Handbook to Utah Land Use Regulation, P.108. Thus, the focus is on what must be done to mitigate the detrimental impact of the proposed development; not on the developer’s anticipated profits. If the cost of complying with the law or mitigating a significant danger to public health, safety and welfare means that the specific project becomes too costly for the developer, then public interests outweigh the applicant’s hoped for profit and the CUP should be denied.

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

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

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

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

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1 The Applicant’s argument that a fence with sharp barbs would be safer to an elderly person seeking to escape a fire than some other form of fence is ludicrous. So also, is the idea that a single water bucket is sufficient to stop a raging fire. Or that an RV campground with 30-day use limitations will help solve a nationwide housing crisis. Or that the existing, broken and trampled down wire fence accomplishes anything at all. Or that the campground will attract doctors and nurses but not pedophiles. Or that a fence will not limit people from jumping over it, but people will gladly read and strictly adhere to pages and pages of legalese in campground rules and regulations. The hyperbole in the Applicant’s arguments were far more extreme than the public comments that were referred to as public clamor. Attached to this appeal as Exhibit 2 is a copy of a letter of apology from the Applicant to Ted Stokes with respect to the Applicant’s defamatory statements at the second meeting. That letter, combined with the ludicrous rationalizations present by the applicant during the hearing, demonstrate that the applicant has lost his credibility and perspective.
solution does not fully address the detrimental impact to be analyzed, which is the permanent, ongoing dust stirred up again and again. Pavement is far more effective in addressing the detrimental impact of the development, even though it may require a higher up-front cost. However, on both these issues, the improper instruction of staff likely led to neither condition being imposed because the Commission was led to believe that they might be overly burdensome. The analysis of Staff and the Commission must look through the proper lens.

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

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

The Ordinance sets forth two specific standards that must be met by the applicant: (1) not causing unreasonable risks to the health, safety and welfare of persons and property; and (2) compliance with law, specifically that it be
“compatible with existing uses in the immediate vicinity.” Id. Neither standard was met in this case.

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

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

With respect to sewage and wastewater from RVs, the Applicant proposed that a Honey Bucket truck make a trip every day or two to empty sewage.
Despite this concession and commitment, the Commission failed to require the Applicant to do just what he offered to do to potentially mitigate the sanitation issues and problems. See Discussion, infra, part IV.

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

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

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

According to the Supreme Court, the minimum requirements of due process are (1) notice; (2) an opportunity to be heard; and (3) an impartial tribunal. *Mullane v. Central Hanover Bank* (1950). The process followed by the County failed to meet two of these minimum requirements. First, the opportunity to be heard is patently
deficient. Important evidence cannot be presented in mere three (3) minute increments. Invitations by the Commission to submit supplemental written evidence was meaningless because such supplemental evidence would be received, as here, only after the Commission already made its decision. Second, a public "hearing" is manifestly defective if the Applicant can meet for hours in private and work out details favorable to the application, but other persons legitimately concerned and opposed to the application are not advised of, much less provided, opportunity to be present in such meetings with the Applicant. The tribunal cannot be impartial if it relies on staff presentations, and staff meets repeatedly with the applicant face to face, by email, or by text, all the while public comment is limited to writings or very abbreviated oral comment after extended backstage developments and discussions, masked from the public, have taken place. Even in the hearings, the applicant is given repeated opportunities to justify and rationalize his position with no limit on time (and as supported by frequent comments from Staff) while part of the opposition's time is taken up by the Commission discussions and interruptions to talk about time. Administrative law cannot eviscerate constitutional protections.

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

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

Second, Staff and the Applicant spent several minutes during the February meeting discussing the issue of waste dumping. The resolution presented, and the clear picture understood by the public and the Commission, was that Honey Bucket or a similar service would frequent the campsite at least every few days to provide onsite dumping amenities. This was in response to the fact that Staff and the applicant had reported to the Commission that a licensed engineer had conducted a traffic study determining that that the use of a waste service such as Honey Bucket would not create a detrimental traffic impact to the surrounding area. Interestingly, the Applicant and Staff did not initially acknowledge the critical fact that the traffic
study had been performed by the Applicant and the Applicant’s Agent, as opposed to an independent, impartial, and disinterested engineer. It was further discovered that the Applicant himself was the one who claims to have counted vehicles accurately. When these matters came to light during the meeting and the Applicant determined that the Commission was questioning the evidence, the applicant arose and made several false and defamatory representations that, upon demand, he has now corrected. See attached Letter Regarding Ted Stokes, Exhibit 2.

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

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

Dry Canyon Neighborhood Watch, Inc.

By: Ted F. Stokes

Thomas L. Johnson

By: Thomas L. Johnson
WHITTAKER PROPERTIES

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

Status: Expired

Status: Expired as of 04/03/2020
Status Description: Canceled
Employment Verification: Not Registered with Verify Utah

Registration Date: 08/02/2019
Last Renewed: N/A

Additional Information

NAICS Code: 5313 NAICS Title: 5313-Activities Related to Real Estate

<< Back to Search Results

Business Name:
Registered Principals

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<th>Status</th>
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<td>North Logan</td>
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<td>PROPERTIES</td>
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<td>3414 N 1800 E</td>
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<td>Applicant</td>
<td>RINCHLEY JOHNSON</td>
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<td>North Logan UT</td>
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<td>REAL ESTATE, LLC</td>
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If you believe there may be more principals, click here to View Filed Documents

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully,

[Signature]

Nathan D. Whittaker
Cache County Corporation
2022 - Tax Roll Information
08-124-0002

Owner's Name & Address
Parcel 08-124-0002 Entry 1255273
Name WHITTAKER PROPERTIES LLC
C/O Name
Address 3414 N 1800 E
City, ST Zip NORTH LOGAN, UT 84341-8315
District 028 COUNTY OUTSIDE
Year 2022 Status TX

Owner(s) List (1/1/2022)
1 WHITTAKER PROPERTIES LLC,
   1255273  2169/1370

Property Address
Address
City
Asr. Review 01/24/2020

PARCEL HISTORY

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

LEGAL DESCRIPTION FOR 2022

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

PROPERTY INFORMATION

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<tr>
<td>TOTALS</td>
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</table>

2022 VALUES WILL BE AVAILABLE AFTER 5/21/2022

BUILDING & TAX INFORMATION

2021 (Final Tax Rate: 0.008725)

| Taxes: | 706.03 |
| Special:+ | 0.00 |
| Rollback:+ | 0.00 |
| Penalty:+ | 0.00 |
| Abatements:- | 0.00 |
| Payments:- | 706.03 |
| Balance Due: | 0.00 |
| Last Payment Date: | 11/19/2021 |

The 2022 property values have not been approved.

BACK TAX SUMMARY

NO BACK TAXES
GIS PARCEL SUMMARY

Parcel Number: 08-124-0002
Property Address: (Not Available)
Tax Roll Acreage: 20.23
Owner Name: WHITTAKER PROPERTIES LLC
Owner Address: 3414 N 1800 E
NORTH LOGAN, UT 84341-8315
Jurisdiction: Cache County
Future
Annexation Area: Smithfield
Base Zone: A10
Overlay Zone: None

Initial Parcel Legality Review: Potentially a restricted parcel
Does not appear to match its August 8, 2006 configuration

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

Areas That May Require Further Analysis

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

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

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

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

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

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

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

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

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

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

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

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

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<thead>
<tr>
<th>Area</th>
<th>Legend</th>
<th>If Area Is Present:</th>
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</thead>
<tbody>
<tr>
<td><strong>Natural and/or Manmade Waterways</strong></td>
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<td></td>
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<tr>
<td>Wetlands</td>
<td></td>
<td>Wetland delineation, the review and determination of wetland areas, may be required. Development in wetland areas shall not occur except as permitted by the U.S. Army Corps of Engineers. Wetland acreage does not count toward the assessment of developable acreage.</td>
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<tr>
<td>Water Bodies</td>
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<td>Development shall not occur in waterways, and acreage identified as waterways does not count toward the assessment of developable acreage. Additional setbacks are required from waterways.</td>
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<tr>
<td>Major Waterways</td>
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<tr>
<td>Canals</td>
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<tr>
<td><strong>Floodplain</strong></td>
<td></td>
<td>A Floodplain Permit is required. See §17.18.040 Sensitive Areas Analysis [A-2-c] and §17.18.050 Standards and Development Plan [B-3] for requirements. If structures are located within the county floodplain buffer, the owner/developer must provide an elevation certificate documenting a minimum of 1' of freeboard for structures, or meet the requirements of FEMA Technical Bulletin 1 / August 2008.</td>
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<tr>
<td>FEMA Floodplain</td>
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<tr>
<td>Floodplain Buffer</td>
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<tr>
<td><strong>Source Water Protection Zones</strong></td>
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<td>Septic systems are not permitted within Zone 1 or 2 of a source water protection zone. See §17.10.050 Supplemental Standards [A-3-b].</td>
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<td>Zone 1 or 2</td>
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<td><strong>Slopes</strong></td>
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<td>Any development on moderate slopes requires a geotechnical report. See §17.18.040 Sensitive Areas Analysis [A-2-a] and §17.18.050 Standards and Development Plan [B-1, 5], and §17.18.060 Geotechnical Report Minimum Standards for requirements.</td>
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<tr>
<td>Moderate Slopes</td>
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<tr>
<td>Steep Slopes</td>
<td></td>
<td>Development is not permitted on steep slopes, and this acreage does not count toward the assessment of developable acreage. See §17.18.040 Sensitive Areas Analysis [A-1-b] and §17.18.050 Standards and Development Plan [A-2] for requirements.</td>
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<tr>
<td><strong>Geologic Hazards</strong></td>
<td></td>
<td>A geotechnical report is required if development is proposed within the hazard area(s). See §17.07.040 General Definitions: Geologic Hazard; Sensitive Area; for requirements see §17.18.040 Sensitive Areas Analysis [A-2-e] and §17.18.050 Standards and Development Plan [B-5], and §17.18.060 Geotechnical Report Minimum Standards.</td>
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<td>Fault Lines</td>
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<td>Debris Flow</td>
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<td>Landslide Scarps</td>
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<td><strong>Liquefaction Potential:</strong></td>
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<td>6=Moderate to High</td>
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<td>7= High</td>
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<tr>
<td><strong>Important Habitat Areas</strong></td>
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<td>A Habitat Management Plan is required. See §17.18.040 Sensitive Areas Analysis [A-2-d] and §17.18.050 Standards and Development Plan [B-4] for requirements.</td>
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<td>Canada Lynx</td>
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<td>Greater Sage Grouse</td>
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<td>Yellow-Billed Cuckoo</td>
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### AREA

#### Wildfire Hazards

Wildland-Urban Interface

#### Wildfire Threat Level Index

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<tr>
<td>9</td>
<td>Extreme</td>
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Wildland-Urban Interface; Additional requirements and standards may apply. Contact the Cache County Fire District (435) 755-1670 and refer to the 2006 Utah Wildland-Urban Interface Code.

The Utah Wildfire Risk Assessment Portal ([https://wildfirerisk.utah.gov/](https://wildfirerisk.utah.gov/)) is the primary mechanism for Utah Division of Forestry, Fire, and State Lands to deploy wildfire risk information and create awareness about wildfire issues across the state. The Wildfire risk and threat data layers were developed as part of the West Wide Wildfire Assessment covering the seventeen Western States. Collectively these applications will provide the baseline information needed to support mitigation and prevention efforts across the state. A more detail report can be generated from the website link above.

### Agricultural Protection Areas

Protection Areas

300' Buffer

See the recorded Agriculture Protection Area. See §2.70 Agriculture Protection Area Advisory Board; See also UCA §17-41.

### Airport Overlays

- 65 Ldn Noise Area
- Inner Approach Zone
- Approach Zone
- Traffic Pattern Zone
- Influence Area

For airport areas, see §17.17.060 Schedule of Uses to determine if the proposed use is permitted in the airport zone. Federal Aviation Administration (FAA) review may also be required.

### FAA Regulation Part 77

- 1,000ft / 100 = 10ft
- 2,000ft / 100 = 20ft
- 3,000ft / 100 = 30ft
- 4,000ft / 100 = 40ft
- 4,500ft / 100 = 45ft

### Encroachment Permit

Encroachment Permit

(No Symbol)

An Encroachment Permit is required when working within the county right-of-way see, §12.02.020 Development of Roadways

### Section Corner Disturbance Notification

Section Corner Disturbance

Disturbed section corner—County Surveyor to be notified. See Utah State Code 17-23-14
<table>
<thead>
<tr>
<th>AREA</th>
<th>LEGEND</th>
<th>IF AREA IS PRESENT:</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Road Function Class</td>
<td><strong>Mineral Arterial</strong></td>
<td>The functional classification of a roadway identifies the relative importance of the mobility and access functions for that roadway. Function class also identifies the following; <strong>Minimum Access Spacing</strong>: See Table 5.1 Road Manual <strong>Right-of-Way (feet)</strong>: See Table B-6 Road Manual <strong>Setbacks of structures</strong>: (Table 17.10.040 Dev. Standards) §12.02.010: Roadway Standards</td>
</tr>
</tbody>
</table>
Staff Report: Hollow Ridge RV Campground CUP

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

Agent: Lance Anderson

Staff Determination: Approve with conditions

Type of Action: Administrative

Land Use Authority: Planning Commission

Project Location

Project Address:
Approximately 1400 East 300 South
Smithfield

Current Zoning: A10

Acres: 20.23

Surrounding Zoning & Land Uses:
North – A10, Vacant/mountain bench
South – A10, Vacant/mountain bench
East – A10, Vacant/mountain bench
West – Smithfield City A-10, Vacant

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

A. Request Summary

1. The Hollow Ridge RV Campground Conditional Use Permit (CUP) is a request to develop a recreation facility (Use Type 4100) on 20.23 acres of property in the A10 zone, located east of Smithfield City at approximately 1400 East 300 South.

2. Applicable Standards. The proposed RV campground is a recreational use subject to the following development standards for the Agricultural (A10) zone:
   a. Recreational uses are limited to no more than 30 overnight stays each year (or season) for transient guests. This applies to cumulative consecutive and/or intermittent stays throughout the year.
   b. Setbacks. Per the Use Setback Distances Table in §17.10.040, a 30 foot front yard and rear yard use setback applies, and 12 foot side yard setbacks.
   c. The storage of material or placement of structures or parking within the setback areas is not permitted.
   d. A stormwater report must also be prepared by a licensed professional for the review and approval of the Public Works Department detailing how the proposed limited development will manage rainfall on-site and prevent the discharge off-site.

3. Proposed Campground Use. The proposed RV campground includes the following features (see attached letter of intent):
   a. A maximum of 65 campsites each with an RV parking pad and one additional vehicle parking space.
      i. Phase 1: 12 pull-through campsites as shown on the site plan,
      ii. Phase 2: 26 back-in campsites as shown on the site plan,
      iii. Phase 3: 27 campsites to accommodate potential future demand.
      iv. An additional 12 parking spaces are provided to accommodate management visits, visitors or additional vehicles associated with a campsite reservation.
   b. An electrical hook up, water spigot and an in-ground, improved fire ring provided at each campsite. This is a metal-rimmed fire ring set into the ground 12 to 15 inches, per the recommendation of the Cache County Fire Marshall.
   c. Group outdoor amenity areas with activities such as horseshoe pits and pickleball courts.
   d. 4 total dumpsters (approximately one dumpster for every 12 to 16 campsites) to collect garbage. These are proposed to be enclosed and screened with landscaping to minimize visibility and to contain odors.
   e. No sewer dumping allowed on the site. Guests will utilize existing off-site RV dump stations provided at various locations throughout Cache Valley, or utilize an RV septic tank pumping service, facilitated by the campground management.
   f. Maximum short-term tenant or guest stays of no more than 30 days, with access the campground during all hours (day and night) and campground management available at any time.
   g. An onsite camp host will manage the campground through an RV on a campsite near the campground entrance. The camp host office hours are anticipated to be from 7:00 a.m. to 3:00 p.m. and by appointment or on-call outside of those hours as needed.
i. A local Smithfield resident(s) may also be hired to provide additional response and service coverage to safeguard the guests and the collective interests of neighboring residents.

ii. Reservations will be booked through an online website application.

iii. A web-cam will be installed to allow for off-site monitoring of camp activities and to assure safety.

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

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

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

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

i. Registration fees, no charge for children age 9 or under.

ii. Check in time is after 2:00 p.m., check out-time is by 12:00 p.m.

iii. 10 mph speed limit.

iv. Quiet hours from 10:00 p.m. to 8:00 a.m.

   ▪ No objectionable noise allowed at any time

   ▪ Inconsiderate guests asked to leave for violation of rules restricting intoxication, drug use or possession, obscene language, loud outbursts or violence.

   ▪ No horn honking or leaving a vehicle to idle for more than 5 minutes.
Note: Although the property is not located in the adjacent Smithfield City jurisdiction, as a reference, Smithfield City’s Noise Control ordinance prohibits noise between 10:00 p.m. and 6:00 a.m.

v. Free guest WiFi access not to be used for illegal or fraudulent use, copyright or trademark infringement, threats or harassment, harm to minors, spamming, hacking, system disruption, impersonation or forgery, abuse of new groups, excessive use of bandwidth, viruses, etc.

k. Only operable and licensed and insured RVs are allowed. RV’s older than the year 2000 must submit a photo for approval. Sleeping in cars and converted school buses are not allowed. Truck campers are not to be removed from vehicles.

B. Conditional Uses See conclusion #1

4. §17.06.050-B, Conditional Uses, directs the Land Use Authority to review conditional use permit (CUP) requests based on the standards and criteria that are defined therein and include:
   a. Compliance with law;
   b. Health, safety, and welfare;
   c. Adequate service provision;
   d. Impacts and mitigation.

C. Compliance with law See conclusion #1

5. The County Land Use Ordinance stipulates that:
   a. The proposed conditional use must comply with the regulations and conditions specified in the County Code and other applicable agency standards for such use.
   b. The proposed conditional use must be consistent with the intent, function, and policies of the Cache County General Plan, Ordinance(s), and land use, and/or compatible with existing uses in the immediate vicinity.

6. §17.02.060, Establishment of Land Use Authority, authorizes the Planning Commission to act as a Land Use Authority for a CUP. See conclusion #2

7. §17.07.030, Use Related Definitions.
   a. §17.07 defines a Recreational Facility as an indoor or outdoor place that is designed and equipped for the conduct of sports and leisure time activities that is operated as a business and/or open to the general public. Recreational uses may include facilities such as a campground, golf course or ski facility.
   b. The definition of Campground in §17.07.040 is any area with more than 3 campsites that are improved for occupancy by transients using recreational vehicles, motor homes, mobile trailers, or tents for dwelling, lodging, or sleeping purposes with a duration of stay for a period of 30 days or less.
   c. A Campsite is defined as an area within a campground designed or used to accommodate one party in a single travel trailer, recreational vehicle, or tent.
8. §17.09.030, Schedule of Uses by Zoning District, permits this use as a CUP in the Agricultural (A10) Zone if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses as noted.

9. Parcel legality:
   d. Parcel 08-124-0002 has been in the same size and configuration since 2006. There are no other uses other than agricultural grazing, or approved or active Conditional Use Permits on the parcel.
   e. Hyde Park City holds a 30 foot easement (ENT 627037 BK 667 PG 823) that runs primarily along the eastern property boundary for operation and maintenance of a city water line. The City also holds an unused, inactive easement (ENT 627036 BK 667 PG 823) running through the middle of the parcel. The City has provided a letter agreeing to the following conditions to be met by the applicant in order to revoke the unused easement (see attached Hyde Park City Letter).
      i. City access to the property, and cost shared cost with the owner/developer for confirming the location of the City’s water line,
      ii. City reviewing of campground plans to avoid any line impacts from development
      iii. Provision of a multi-use trail easement through the active easement if the City does not acquire a new water line and easement further east of the property.
   f. A 38 foot wide Utah Power and Light Company (Rocky Mountain Power) power transmission line easement applies to a portion of the lower southwest quarter of the property. The easement allows for roads, drives and utilities, but would not allow for structures or campsites within the easement area (see attached site plan).

10. The County Code standards identified Section A.2 apply to the A10 (Agricultural) zone.

D. Health, safety, and welfare  

See conclusion #1

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

12. Other risks to the safety of persons or property are not anticipated, as the use does not unreasonably interfere with the lawful use of surrounding properties so long as the conditions of approval are met.

E. Adequate service provision See conclusion #1

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

14. Access and Road Right-of-Way Dedication: The subject property has direct access from Smithfield Dry Canyon Road that is currently classified as an unimproved road with an unimproved surface.
   a. The road width is currently about 20 feet wide with a gravel all-weather surface.
   b. The County provides year-round maintenance to this road that extends east from 300 South and 1350 East in Smithfield City. The county road provides access to private parcels and to the Dry Canyon wilderness area trailhead.
   c. To accommodate new development, the road manual requires the Smithfield Dry Canyon Road to meet the County’s Major Local Road standard. *(See Condition 6)*

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

15. Fire: §16.04.080 [C] Fire Control – The County Fire District has reviewed the proposed campground site plan for compliance with drive width and circulation for emergency access. Potential fire impacts from guest camping activity is addressed in F18. *(See Condition #5)*

16. Refuse: The dumpsters provided on the site for trash collection will be serviced by a commercial trash collection service, to be picked up and disposed of at the regional land fill. *(See Condition #9)*

17. Parking *(See Condition #3 and #4)*: The proposed site plan provides 1 RV parking space and 1 vehicle parking space at each campsite, in addition to 12 parking spaces for additional vehicles and management site visits. Based on the typical usage of and RV campground facility, staff finds that the proposed parking ratios listed below are consistent with the Institute of Transportation Engineers (ITE) off-street parking reference to a Hotel use of 1.1 spaces per hotel suite. The ITE parking manual is referenced as an applicable parking requirement reference in §17.22.
   d. 77 parking spaces (not including RV spaces) ÷ 65 campsites = 1.18 spaces / campsite.
   e. Note: 38 campsites in Phases 1 & 2 would be served by 50 spaces at a ratio of 2.0 spaces / campsite.

18. Waste disposal or drainage: An effluent waste dump will not be provided on site. Instead, guests will dump waste at an off-site dumping facility provided at other service locations, or a pump truck could service campsites by appointment at the property.
Following the December 2, 2022 Planning Commission meeting, Development Staff and the applicant met to discuss the Commission’s recommendation of an on-site sewage dumping facility that meets minimum state requirements. This was intended to reduce the potential number of trips to dump RV wastewater tanks at other off-site dumping locations and/or trips associated with pump service trucks visiting the site to collect waste water from RVs located at campsites. The traffic study provided by the applicant team shows that the estimated trips associated with the RV campground do not create an excessive traffic impact on the streets in the area.

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

F. Impacts and mitigation

15. Utah Code Annotated §17-27a-506, Conditional uses, item 2-a specifies that “A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.”

16. The County Land Use Ordinance stipulates that:
   a. Reasonably anticipated detrimental effects of the proposed conditional use must be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards.
   b. Examples of potential negative impacts include but are not limited to odor, vibration, light, dust, smoke, noise, impacts on sensitive areas as defined by the Code, and/or disruption of agricultural practices.

17. Known or reasonably anticipated detrimental effects of the use are as follows:
   c. Storm water/Site Development: Site development, construction activities, and continued use of the site during operation can reasonably be anticipated to have a detrimental effect on the surrounding properties due to storm water concerns. The applicant must provide a storm water report prepared by a licensed Engineer detailing how the proposed development will manage rainfall on-site and prevent the off-site discharge of the precipitation from all rainfall events less than or equal to the 80th percentile rainfall even or a predevelopment hydrologic condition, whichever is less. See condition #12, #13 and #14.

18. Fire (See Condition #6): §16.04.080 The County Fire District has reviewed the proposed RV Campground use and has identified the following requirements to reduce fire risk and mitigate the potential for fire impacts onto the surrounding mountain bench area.
   d. Any fire pits provided at campsites shall be in-ground improved metal fire rings with a minimum depth of 12 to 15 inches.
   e. A final landscape and irrigation plan with sufficient water supply as approved by Staff for minimizing the potential risk of fire.
   f. New landscaping plantings shall be irrigated and maintained in a healthy condition to prevent dry wood from growing and accumulating.
(See Condition #8): Following the December 2, 2022 Planning Commission meeting, Development Staff and the applicant met to discuss the Commission’s recommendation of a water tank to provide additional fire protection. The County Fire Marshall suggested that a centralized underground water tank may not provide practical application of water to all of the dispersed campsites. The following mitigating measures were recommended as more effective solutions to further mitigate fire risk associated with fire pits, and to reduce the potential for smoke in the area:

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

19. Vehicle trips (See Condition #7): The estimated volume of average daily vehicle trips (ADT) generated by a maximum number of 65 campsite spaces is 3.16 daily trips per campsite, or approximately 205 daily trips. This is equivalent to the trips generated by about 21 single family homes.

- The rate of 3.16 ADT is based on ITE average traffic counts for a Recreational/Vacation home, given that an RV campground traffic estimate for urban areas is not provided.
- The Major Local Road standard is designed to a service standard for 1,500 ADT, as described in E13. Improvement of the roadway to this standard will provide sufficient vehicle capacity for the proposed RV campground recreational use.

Following the December 2, 2022 Planning Commission meeting, Development Staff and the applicant met to discuss the Commission’s recommendation to further study existing levels of traffic on roads providing access to the site, and the anticipated traffic impact created by the proposed RV campground. The applicant provided a traffic study conducted by a licensed Professional Engineer (see attached). The traffic study has been reviewed by the County Engineer with no exceptions or added concerns. The report findings anticipate that traffic impacts from the proposed RV campground will not significantly impact existing levels of service along existing Collector Streets (300 South, 600 South and 1000 East).
Note: Smithfield City’s Future Transportation Map shows the City’s intent to extend Collector streets further east, and to create new minor collector street at approximately 1400 East (adjacent to the west boundary of the proposed RV campground site) from 300 South towards the bench area of Hyde Park. Another major collector street is proposed to extend south along 1000 East from 600 South towards Hyde Park. These new streets would provide additional access and capacity to service this site and other potential development in the area.

20. Noise (See Condition #2): The potential for noise generated from guest activity at the proposed RV campground can be mitigated through the following measures to prevent undesirable noise levels for campground guests and to the nearby residential areas.
   a. Electric hookups will be provided at each campsite to minimize or eliminate the need for gas-powered generators. The campground rules will not allow use of generators except in the case of a power outage.
   b. The campground rules and regulations limit disturbance and excessive noise, in particular between the quiet hours between 10:00 p.m. and 6:00 a.m.
   c. Management and enforcement of rules will be applied by the proponent, camp host and/or management group by conducting site visits to the campground property, and installing a web cam to monitor guest activity.

21. Visual Quality and Air Quality: Given the visual prominence of mountain bench property, staff’s finding is that the proposed RV’s would be substantially visible to surrounding properties and development at a lower elevation. Landscaping must be provided to mitigate or reduce the visual impact of RV’s with trees and vegetation as shown in the attached concept plan (See Condition #4 & #6).

Following the December 2, 2022 Planning Commission meeting, Development Staff and the applicant met to discuss the Commission’s recommendation to reduce dust from the proposed interior roads and drives on the proposed RV Camping site. Gravel roads and drives must be
treated with dust-reducing spray such as magnesium chloride, or consist of a paved surface or similar material to reduce dust impacts from the site (See Condition #5).

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

22. The following notices have been posted in compliance with State and County Code requirements:
   a. Public notice was posted online to the Utah Public Notice Website on November 19, 2021 for the December 2nd Planning Commission meeting.
   b. Notices were posted in three public places on November 19, 2021 for the December 2nd Planning Commission meeting.
   c. Notices were mailed to all property owners within 300 feet of the subject property on November 19, 2021 for the December 2nd Planning Commission meeting.
   d. Notices were posted in three public places on January 21, 2022 for the February 3, 2022 meeting.

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

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

Conditions

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

1. Guest overnight stays must not exceed a total of 30 days within one season or year. Campsite hopping is prohibited, meaning that a guest may not stay up to 30 days in one campsite, and stay additional days in another campsite during the same season.

2. Off-site management and camp host supervision must include the installation of a web-cam that provides visibility of the property for guest use supervision. Management must enforce the campground rules and regulations, and be responsive to guest and nearby resident complaints specific to noted campground rules and regulations, and permit conditions. (See F-20)

3. The applicant and operator(s) must abide by the information as provided in the application and the information and conditions as identified in this report. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority. Revised site plans must include, but are not limited to, the site improvement plan, site grading, site drainage, parking, and other site details including required setbacks from the property line after the road dedications have been made. (See A-3)

4. Prior to recording the permit, the applicant must submit an updated site plan, landscape plan, and associated drawings demonstrating that applicable County Code standards are applied.
The site plan may be amended in the future to show the additional locations of no more 65 total campsites and related features that are compliant with County development standards.

5. To reduce dust, the interior roads must consist of a gravel surface treated with dust-reducing spray such as magnesium chloride, pavement or similar material that reduces dust from the interior roadway. (See F-21)

6. The applicant must obtain a Zoning Clearance and Fire District approval for the proposed site plan and landscape plan. The applicant must provide a water use analysis showing that there is sufficient water rights to service each proposed campsite and to irrigate the new landscape plantings. A final landscape and irrigation plan with sufficient water supply as approved by Staff for minimizing the potential risk of fire. New landscaping plantings must be irrigated and maintained in a healthy condition to prevent dry wood from growing and accumulating.

7. Fencing delineating the property boundaries and restricting access to adjacent properties must be maintained and/or installed, and signs must be placed on the fencing warning campers of potential hazards and property boundaries. (See F-14)

8. Any fire pits provided at campsites must be in-ground improved metal fire rings with a minimum depth of 12 to 15 inches. Portable propane units are permitted as an alternative to burning wood in a fire pit and all fire pits must provide a full water bucket or fire extinguisher by the camp host for fire suppression (See F-18).

9. Prior to recording the permit, the applicant must improve the Smithfield Dry Canyon road frontage to a Major Local Road standard consistent with the standards of the Cache County Road Manual. (See F-19)

10. Approval of a Zoning Clearance is required for any proposed signage. Building permits may also be required for signage.

11. Trash generated from the campground must be picked up regularly to avoid trash from piling above the trash bin lids. The applicant must provide a service agreement letter from a commercial trash collection entity as part of the Zoning Clearance review. (See E-16)

12. Prior to recording the permit, the applicant must submit a stormwater report prepared by a licensed engineer detailing how the proposed development will manage rainfall on-site and prevent the off-site discharge of the precipitation from all rainfall events less than or equal to the 80th percentile rainfall event or a predevelopment hydrologic condition, whichever is less. The report must be submitted to the Public Works Department for review and approval from the County Engineer. The report must include site improvement plans that include site grading, site drainage, and site details. Written confirmation from the Public Works Department confirming compliance with this requirement must be provided to the Development Services Department. The report must comply with all regulations of the State and Federal governments for construction, reclamation, et cetera, and a copy of any required permitting must be submitted to the Development Services Office. (See F-17)

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

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

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

**Conclusions**

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

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

2. As per §17.02.060, Establishment of Land Use Authority, the Planning Commission is authorized to act as the Land Use Authority for this CUP request.
Hollow Ridge RV Campground Letter of Intent

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

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

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

d). Traffic and parking. The volume of traffic to and from the campground will be minimal. It is anticipated the average number of daily trips per campsite is 3.16 trips/site, equivalent to traffic to a Recreational/Vacation home, per the Institute of Transportation Engineers (ITE). This is compared to 9.57 trips per day for a single-family home, per the same source. In other words, a single family home generates over 3 times as many daily trips as a campsite. Another way put, a 40 campsite RV campground would generate, roughly, the same amount of traffic as 13 single family homes. After stabilization, we are open to reassessment of the campground’s traffic impact. Access from main street to the campground by RVs will likely be by 300 S and 600 S via 1000 E, following the historical precedence of the much larger construction equipment coming to and from the Sky View Heights Gravel Pit and to homes under construction off of 300 S and 600 S on the east bench. Each Campsite will have parking for a motorhome/camp trailer and one other vehicle. Additional parking spaces will be provided for visitors.
e). **Fencing/Signage.** The campground boundary will be delineated by fencing. Signage will include a roughly 4’x8’ sign at the entrance from 300 South (Smithfield Dry Canyon Road), an information kiosk with camp rules, small signs designating each campsite, and signs on the east side of the property warning campers of the hazard of the unofficial, formally permitted, but still used, shooting range 2 parcels (over 325 feet) to the east.

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

g). **Waste and/or garbage.** It is anticipated the site will require three 4-yard front load dumpsters for trash management. No sewer dumping allowed on the site. Guests will utilize RV septic tank pumping service (Honey Bucket, etc.), scheduled to service the campground every 1-2 days, facilitated by management.

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

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

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

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

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

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

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

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

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

RVs: Only well-kept RVs are allowed in the Campground. All vehicles must be up to date with licensing, registration, insurance, be in running condition and used regularly. Vehicles in violation of our rules are subject to towing. Hollow Ridge RV Campground will not be held responsible for the cost of towing. RVs older than the year 2000 must submit a photo for approval. All units must have sleeping facilities, window coverings and approved electrical, water & sewer hookups. We do not allow sleeping in cars nor will we accept converted school buses. Truck Campers are not to be removed from vehicles. Management reserves the right to refuse admission of RV’s not meeting campground standards.
VISITORS: Registered guests entertaining visitors are responsible for their conduct and liable for any damages they may cause while in the Campground. Please inform them of our rules and regulations. All visitors must register with management. Visitors will be given a pass and parking assignment. If visitors wish to use the resort facilities a day pass of $5 will apply.

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

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

SEWER MANAGEMENT: No sewer dumping allowed on the site. Guests will utilize RV septic tank pumping service (Honey Bucket, etc.), scheduled to service the campground every 1-2 days, facilitated by management. Tenants who do not follow campground rules by responsibly handling their waste will be removed from the campground and be charged a $200 fee from their credit card on file.

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

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

CAMPFIRES and BARBECUES: Campfires are only permitted: #1 in the provided in-ground, improved fire pits on each camp site, #2 when allowed by the fire marshall, and #3 if a bucket of water is next to the fire or a fire extinguisher is readily accessible; portable propane burning/cooking units are permitted – please use common sense for safety purposes and to not cause any fire damage to the site area. Outside barbecues are permitted, please do not place them on picnic tables as they will melt. Place cold coals in a plastic bag and throw them away in the dumpster.
SITE: Fire laws prohibit storage of materials under or around RV's. All residents are responsible to keep their site clean and uncluttered. Nothing should be stored outside your RV, this includes brooms, coolers, storage bins, lumber, rugs that may damage the grass, toolboxes etc. (if you have a question about something ask management). No Flammable items are allowed under RV (i.e. gas cans, paint, propane tanks, hay/straw etc...). If you choose to skirt your RV, it must be with OFFICIAL RV skirting. Foam board, plywood, tarps, etc. are not acceptable forms of skirting. Only official patio or camping furniture and BBQ's are allowed outside. You are responsible for keeping all trash/poop off your site. Unsightly sights are subject to a fine of $50.00 and/or eviction. If nonflammable items are stored under your RV you must skirt the RV, nothing can be visible. For skirting see 1.13. No clothes lines, dog runs, or storage sheds or auxiliary power units are allowed. Altering or digging into a site is not permitted. Sites must be kept neat and clean at all times. Vehicle washing is not allowed in your RV site or in the campground.

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

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

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

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

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

1. Owner/developer (Whittaker Properties, LLC), will allow Hyde Park City employees/agents access to the parcel (Tax ID: 08-124-0002) and contribute to the cost of potholing, confirming location of Hyde Park City's water line and confirm non use of (ENT 627036 BK 667 PG 823).

2. Before development begins and the Conditional Use Permit is recorded, Hyde Park City must review and approve the final development plan including the grading plan to ensure that any encroachment on city water line easement (ENT 627037 BK 667 PG 823) does not create any hindrances to the access and protection of the City's water line.

3. Owner/developer will grant a public easement within Hyde Park City's active water line easement (ENT 627037 BK 667 PG 823) for a multi-use trail, if Hyde Park does not acquire a new waterline and trail easement to the east of this parcel. The trail easement will be along the east side of the parcel.

4. In the event Hyde Park City decides to move its water line to course completely along the far east side of the parcel, the owner/developer agrees to sign a new easement to protect the adjusted water line and associated public access trail easement within Hyde Park City's easement.

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

Respectfully,

[Signature]

Charles Wheeler
Hyde Park City Mayor
Hollow Ridge RV Campground
Traffic Impact Statement

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

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

Figure 1 shows the location of the site.
Figure 2 shows the conceptual site plan.

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

<table>
<thead>
<tr>
<th>Type</th>
<th>Unit</th>
<th>Per Unit ADT</th>
<th>Quantity Proposed</th>
<th>Total ADT</th>
</tr>
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<tbody>
<tr>
<td>RV Recreational Campground Site</td>
<td>Per site</td>
<td>3.16</td>
<td>65</td>
<td>205.4</td>
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</table>

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

<table>
<thead>
<tr>
<th>Level of Service</th>
<th>Total Delay per Vehicle (sec)</th>
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</thead>
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<tr>
<td>Unsignalized</td>
<td>Signalized</td>
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</tr>
<tr>
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<td>&lt; 10.0</td>
</tr>
<tr>
<td>B</td>
<td>&gt; 10.0 and &lt; 15.0</td>
<td>&gt;10.0 and &lt; 20.0</td>
</tr>
<tr>
<td>C</td>
<td>&gt; 15.0 and &lt; 25.0</td>
<td>&gt; 20.0 and &lt; 35.0</td>
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</tr>
<tr>
<td>E</td>
<td>&gt; 35.0 and &lt; 50.0</td>
<td>&gt; 55.0 and &lt; 80.0</td>
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<tr>
<td>F</td>
<td>&gt; 50.0</td>
<td>&gt; 80.0</td>
</tr>
</tbody>
</table>

The intersection analysis evaluates the performance of each intersection using the measure of performance of delay and level of service (LOS). Table 3 shows the intersection analysis for two intersection 600 S /1000 E and 300 S/ 1000 E. Traffic Counts were completed during the weekday peak hour January 18th ~ 20th at each intersection. Weekday morning (7:00 to 9:00 a.m.) and evening (4:00 to 6:00 p.m.) peak period traffic counts were performed at each intersection.
The morning peak hour was determined to be between 7:45 and 8:00 a.m., and the evening peak hour was
determined to be between 5:00 and 6:00 p.m. The morning peak hour volumes were higher than the morning
peak hour volumes. Therefore, the morning peak hour volumes were used in the analysis to represent the
worst-case conditions.

<table>
<thead>
<tr>
<th>Table 3: Intersection LOS-Delay Relationship</th>
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</thead>
<tbody>
<tr>
<td>Intersection</td>
</tr>
<tr>
<td>--------------</td>
</tr>
<tr>
<td>300 S / 1000 E</td>
</tr>
<tr>
<td>600 S / 1000 E</td>
</tr>
</tbody>
</table>

III. Access and Roadway

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

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

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

VII. Conclusions

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

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

**1000 East & 300 South**  
**Smithfield, UT**  
**1/13/2022**

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Pedestrians: 3 0 0 2 1 0 1 0 1 1 4 2

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## TRAFFIC COUNTS

**1000 East & 300 South**  
**Smithfield, UT**  
**1/19/2022**

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Bicycles: 0 0 0 1 0 0 0 0 0 1 0 0 1 0 0 0 0 0 1 0 0 1 0 0 1 0 0 1 4 2

Pedestrians: 1 1 0 0 2 0 1 1 0 0 2 0
1000 East & 600 South
Smithfield, UT

### Thursday

#### 1/20/2022

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<td>North (Right)</td>
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**Bicycles:**

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**Pedestrians:**

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### Tuesday

#### 1/18/2022

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**Bicycles:**

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**Pedestrians:**

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


R392-301-1. Authority and Purpose.
(1) This rule is authorized under Sections 26-1-5, 26-1-30(9), 26-1-30(23), 26-7-1, and 26-15-2.
(2) This rule establishes minimum standards for the sanitation, operation, and maintenance of a recreational vehicle park, as defined by this rule, and provides for the prevention and control of health hazards associated with a recreational vehicle park that are likely to affect individuals dwelling temporarily therein including risk factors contributing to injury, sickness, death, and disability.

This rule applies to any person who owns or operates a recreational vehicle park, unless specifically exempted by this rule.
This rule applies to the repair, maintenance, use, operation, and occupancy of recreational vehicle parks designed, intended for use, or otherwise used for temporary human habitation.

For the purposes of this rule, the following terms, phrases, and words shall have the meanings herein expressed:
(2) "Dependent recreational vehicle" means a recreational vehicle that is dependent upon a service building for toilet facilities, hand washing facilities, or shower or bathing facilities, and is not designed for connection to water, sewer, or electrical utilities.
(3) "Imminent health hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that can cause infection, disease transmission, vermin infestation, or hazardous condition that requires immediate correction or cessation of operation to prevent injury, illness, or death.
(4) "Independent recreational vehicle" means a recreational vehicle equipped with electrical appliances, a water-flush toilet, and a sink and bath or shower which, to be functional, may require connection to outside electrical, water, and sewer utilities.
(5) "Local health officer" means the health officer of the local health department having jurisdiction, or a designated representative.
(6) "Operator" means a person responsible for managing or operating a recreational vehicle park.
(8) "Recreational vehicle" means a vehicular unit, other than a mobile home or tiny house, designed as a temporary dwelling for travel, recreational and vacation use, which is either driven or is mounted on or pulled by another vehicle, including: travel trailer, camp trailer, fifth-wheel trailer, folding tent trailer, truck camper,
"Recreational vehicle park" or "RV park" means any site, tract or parcel of land on which facilities have been developed to provide temporary living quarters for two or more recreational vehicles. Such a park may be developed or owned by a private, public or non-profit organization catering to the public or restricted to the organizational or institutional members and their guests only.

(10) "Sanitary dump station" means a facility designed:
(a) in accordance with requirements set by Plumbing Code and the Utah Department of Environmental Quality, Division of Water Quality;
(b) to receive the discharge of wastewater from any holding tank or similar device installed in any recreational vehicle; and
(c) to discharge the contents, in an acceptable manner, to an approved wastewater disposal or treatment system.

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

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

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


(a) This rule does not require a construction change in any portion of a RV park if the park was in compliance with the law in effect at the time the park was constructed, except as in Subsection R392-301-4(1)(b).
(b) The local health officer may require construction changes if it is determined the RV park or portion thereof contains an imminent health hazard.

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

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

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

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

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

(7) When an operator accommodates dependent recreational
vehicles or tents, the operator shall construct and maintain a service building according to the requirements of Section R392-301-7.

(8) A recreational vehicle or a tiny house may be allowed in a RV Park only when:
(a) a data plate or permanent label is attached to the structure that includes:
   (i) name of the manufacturer;
   (ii) serial number or vehicle identification number (VIN) of the unit;
   (iii) date of manufacture; and
   (iv) a statement that the unit is designed and manufactured to NFPA 1192 or ANSI A119.5 standards; and when
(b) it has been certified by the Recreational Vehicle Industry Association; or
(c) it has been inspected by a qualified third-party inspection company and certified to be in compliance with the standards in NFPA 1192 or ANSI A119.5.

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


(1) Potable water supply systems for use by recreational vehicle park occupants shall be designed, installed, and operated according to the requirements set forth by:
(a) Plumbing Code;
(b) The Utah Department of Environmental Quality, Division of Drinking Water under Title R309; and
(c) Local health department regulations.

(2) The operator shall provide potable water to each site designed and intended for recreational vehicle use.
(a) This provision may be modified with approval by the local health officer if a service building is provided as in Subsection R392-301-4(7).
(b) Where individual water connections are not provided to sites, common-use water faucets shall be accessible to RV park occupants, and located not more than 300 feet from any site. A threaded spigot is prohibited on any such common-use water faucet providing potable water to a site.
(c) The operator shall design and construct the area immediately around a common-use water faucet (i.e. spigot) to promote surface drainage by using a constructed drain system such as a gravel pit, subsurface drywell, French drain, or seepage trench. The operator shall prevent water in this area from flowing into traffic areas and surface waters, or from pooling, standing, or becoming stagnant. This requirement does not apply to water connections in individual sites.
(d) The operator shall protect water systems against the hazards of cross-connection, backflow, and interior surface contamination of attached hoses.

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

R392-301-6. Wastewater.
(1) All wastewater shall be discharged to a public sanitary sewer system whenever practicable.
   (a) Sewer systems for use by recreational vehicle park occupants shall be designed, installed, and operated according to the requirements set forth by:
      (i) Plumbing Code;
      (ii) The Utah Department of Environmental Quality, Division of Water Quality under Title R317;
      (iii) local health department regulations; and
      (iv) the local sewer district having jurisdiction.
   (b) Where connection to a public sewer is not available, wastewater shall be discharged into an approved wastewater disposal system meeting the requirements of Title R317, Environmental Quality, Water Quality, and local health department regulations.
   (c) The operator shall submit all required plans for the construction or alteration of a wastewater disposal system in accordance with Title R317 prior to commencing construction or alteration.
(2) The operator shall provide a sanitary dump station unless all sites are connected to an approved sewer system. Unless a local health officer approves other means, the operator shall design and construct the sanitary dump station to include the following:
   (a) Easy ingress and egress from a service road for recreational vehicles and located not less than 50 feet from any site;
   (b) The sewage inlet surrounded by a curved concrete apron or trough of at least three feet by three feet, sloped to the inlet, and provided with a suitable hinged cover milled to fit tight;
   (c) A means for flushing with pressurized water the immediate area and the recreational vehicle wastewater holding tank(s).
(3) If the operator makes sewer service available to each designated site designed and intended to accommodate independent recreational vehicles, the operator shall design, install, operate, and maintain individual connections to the sewer system according to the requirements set by:
   (a) Plumbing Code;
   (b) the Utah Department of Environmental Quality, Division of Water Quality;
   (c) local health department regulations; and
   (d) local sewer district having jurisdiction.
(4) When the operator makes sewer service available to an individual site, that sewer connection is not subject to the requirements of Subsection R392-301-6(2).
(5) The operator shall provide tight-fitting covers for all sewer risers.
(6) A trap is prohibited between the sewer riser and sewer lateral.
(7) The connection and connecting line between the recreational vehicle drain outlet and the sewer riser shall be watertight and self-draining.
(8) The rim of the sewer riser shall extend not more than 4 inches above adjacent ground surface elevations. Surface drainage shall be directed away from the sewer riser.
(9) The operator shall prohibit dependent recreational vehicles and tents in a recreational vehicle park unless effective means are
provided to collect and contain dishwashing, bathing or other liquid waste material and to properly dispose of these wastes by means approved by the local health officer.

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

R392-301-7. Service Building.
(1) All structures used in a recreational vehicle park shall be of permanent construction, meeting the requirements of Building Code.

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

(3) Service buildings shall meet the following requirements:
   (a) Except as provided in Subsection R392-301-7(3)(b)(i), separate toilet rooms within the service building shall be provided for each sex. These rooms shall be distinctly marked "for men" and "for women" by signs printed in English, or marked with easily understood pictures or symbols.
   (b) Each service building shall have one toilet, one hand sink, and one bath fixture for each sex for each 15 sites set aside in Subsection R392-301-4(7), or fraction thereof.
   (i) Where a toilet room will be occupied by no more than one person at a time, can be locked from the inside, and contains at least one toilet, separate toilet rooms for each sex need not be provided.
   (c) A service building shall be located not less than 15 feet and not more than 500 feet from any site designated for dependent recreational vehicles.
   (d) A service building shall be provided with adequate light, heat and ventilation.
   (e) A service building shall be properly maintained clean and shall be constructed of smooth, moisture resistant finish materials to withstand frequent washing and cleaning.

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

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

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

(7) For each toilet room within a service building, the operator shall provide:
   (a) toilet tissue in suitable dispensers; and
   (b) at least one solid, easily cleanable, covered waste receptacle for the collection of solid waste; or
   (c) at least one solid, easily cleanable, uncovered waste receptacle and a sanitary napkin receptacle.

(1) The operator shall maintain all buildings, rooms, and equipment, including furnishings and equipment in RV park areas, and
the grounds surrounding them in a clean and operable condition, free of litter and debris.

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

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

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

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

R392-301-10. Solid Wastes.
(1) The operator shall provide adequate containers to prevent the accumulation of solid waste in the RV park.
(2) Solid waste generated at a RV park or picnic area shall be stored in a leak-proof, non-absorbent container, which shall be kept covered with a tight-fitting lid.
(3) All solid wastes shall be disposed with sufficient frequency and in such a manner as to prevent insect breeding, rodent harborage, or a public health nuisance.

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

R392-301-12. Inspections and Investigations.
(1)(a) Upon presenting proper identification, the operator shall permit the local health officer to enter upon the premises of a recreational vehicle park to perform inspections, investigations, reviews, and other actions as necessary to ensure compliance with Rule R392-301.
(b) The local health officer may not enter an occupied recreational vehicle without the express permission of the occupant except when a warrant is issued to a duly authorized public safety officer which authorizes the local health officer to enter, or when the operator and the local health officer determine that there exists an imminent risk to the life, health, or safety of the occupant.

R392-301-13. Closing or Restricting Use of Recreational Vehicle Parks or Sites.
(1) If a local health officer deems a recreational vehicle park, site, space, or portion thereof to be an imminent health hazard, the park, site, or space may be closed or its use may be restricted, as determined by the local health officer.
(2) The operator shall restrict public access to the impacted area of any recreational vehicle park, site, or space closed or restricted to use by a local health officer within a reasonable time as ordered by the local health officer.

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

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

Date of Enactment or Last Substantive Amendment: September 10, 2018
Notice of Continuation: November 8, 2016
Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-1-30(9); 26-1-30(23); 26-7-1; 26-15-2
4:45 p.m.
Workshop & Light Refreshments in the County Council Conference Room

5:30 p.m.
Call to order
Opening remarks/Pledge – Chris Sands
Review and approval of agenda
Review and approval of the minutes of the 2 December 2021 meeting

5:35 p.m.
Regular Action Items
1. Public Hearing (5:35 PM) Cutler Valley Rezone – A request to rezone 65.7 acres located at approximately 6600 North Highway 23, near Newton, from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone. A rezone to RU5 Zone would allow for a maximum potential of 13 buildable lots for single family residential, whereas the existing A10 Zone allows for a maximum of 6 buildable lots.

2. Hollow Ridge RV Campground Conditional Use Permit – A request to operate a recreational facility (i.e., RV campground) located at ~1400 East 300 South, near Smithfield, in the Agricultural (A10) Zone. Continued from 2 December 2021

3. Holyoak Airport Conditional Use Permit – A review of the existing Conditional Use Permit (CUP) to operate a private airport to determine the status of the CUP, compliance with the conditions of approval, and to determine if the CUP meets the County Code requirements for revocation of the approval. The private airport is located at 6523 West 400 South, near Mendon, the Agricultural (A10) Zone. Continued from 2 December 2021

4. Training Opportunity: Utah Land Institute - Planning and Zoning Seminar: Wednesday, 9 February 2022, Cache County Event Center, 2 sessions available (1:30pm-4:30pm or 6:00pm-9:00pm). Register at https://utahlanduse.org/seminars/

Board Member Reports
Staff reports
Adjourn
Public Participation Guide: Planning Commission

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

When Speaking on an Agenda Item

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

When it is your turn to speak:

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

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

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

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

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

Limits of Jurisdiction

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

WHITTAKER PROPERTIES, LLC

Entity Number: 11105323-0160
Company Type: LLC - Domestic
Address: 3414 N 1800 E North Logan, UT 84341
State of Origin:
Registered Agent: TREVIN G WORKMAN
Registered Agent Address:
632 N MAIN ST STE 2C
Logan, UT 84321
Status: Active

Status: Active ✔️ as of 12/24/2018
Renew By: 12/31/2022
Status Description: Current
The "Current" status represents that a renewal has been filed, within the most recent renewal period, with the Division of Corporations and Commercial Code.
Employment Verification: Not Registered with Verify Utah

History

Registration Date: 12/24/2018
Last Renewed: 12/29/2021

Additional Information

NAICS Code: 9999 NAICS Title: 9999-Nonclassifiable Establishment

Doing Business As

WHITTAKER PROPERTIES

Former Business Names

RINCHEY JOHNSON REAL ESTATE, LLC

<< Back to Search Results

Business Name: