



CONDITIONAL USE PERMIT
DD AUTO & SALVAGE 1ST AMEND. 2017

DESCRIPTION OF USE

3400 Storage and Warehousing. See Exhibit A for a full description.

EXHIBIT A - STAFF REPORT
EXHIBIT B - LEGAL DESCRIPTION(S)

Ent 1203646 Bk 2037 Pg 1332
Date: 7-Sep-2018 04:17 PM Fee \$26.00
Cache County, UT
Michael Gleed, Rec. - Filed By JA
For DAVID GRANGE

The necessary conditions as stipulated by the Cache County Land Use Authority's approval on September 7, 2017 and as described in Exhibit A have been accomplished, therefore this permit may be recorded.

Brady L. Christensen 9/7/18
Land Use Authority Date

AGREEMENT OF ACCEPTANCE

I have read, understand, and agree to comply with the applicable portions of the Cache County Land Use Ordinance, and the findings, conditions, and conclusions of this permit as identified in the staff report (Exhibit A), and;

I understand that I must obtain a County Building Permit to meet the standards of Cache County for any development or structures, and;

I agree to reimburse Cache County for any costs of enforcement including reasonable attorney fees, and/or any other costs of enforcement incurred by Cache County resulting from my failure to comply with the Land Use Ordinance and the terms of this permit, and;

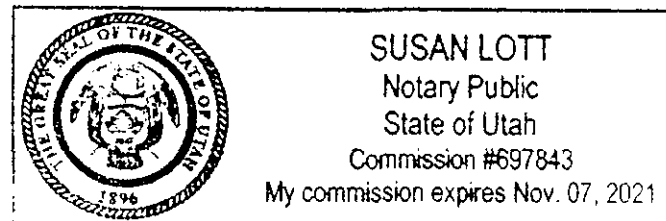
I acknowledge that the Planning Commission may revoke this permit based on any of the grounds specified in the County Code §17.06 Uses, upon a minimum 30-day notice to the property owner and following a public meeting.

And, I acknowledge that this conditional use permit shall expire and be null and void twelve (12) months after the approval date unless:

1. A County Building Permit has been issued and remains in force until the completion of the approved permit, or;
2. A County Business License is issued and remains current for the approved permit, or;
3. Substantial work shall have been accomplished towards the completion of the approved permit.

David Grange
Agent or Property Owner

State of Utah)
County of Cache) §



The foregoing instrument was personally acknowledged before me, the undersigned notary public this 7 day of September, 2018, by David Grange who proved on basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to this instrument.

Witness my hand and official seal.
[Signature]
Notary Public

STAFF REPORT: DD AUTO & SALVAGE CUP 1ST AMENDMENT

7 September 2017

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

Agent: David Grange
Staff Determination: Approval with conditions
Type of Action: Administrative
Land Use Authority: Planning Commission

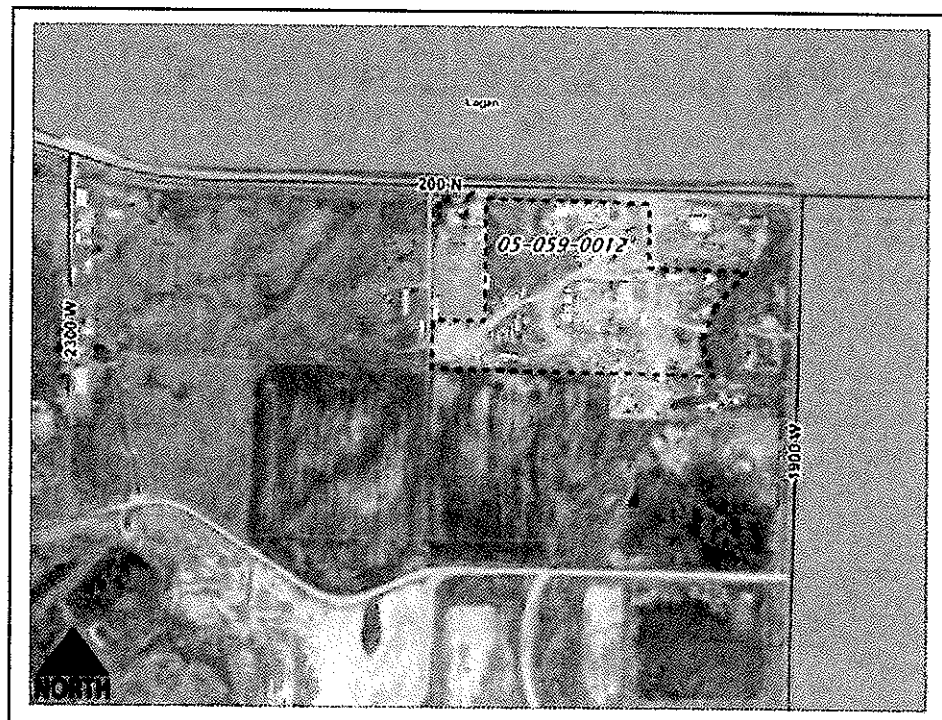
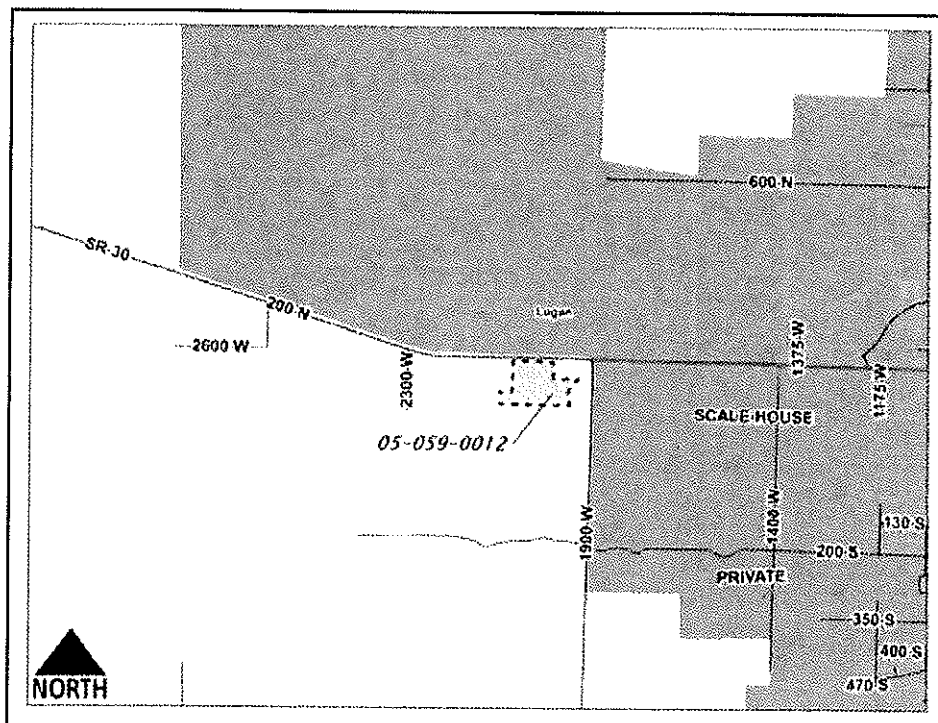
Parcel ID#: 05-059-0012
 Ent 1203646 Bk 2037 Pg 1333

LOCATION

Reviewed by Chris Harrild

Project Address:
 1976 West 200 North (SR 30)
 West of Logan City
Current Zoning: Industrial (I) Zone
Acres: 11.72

Surrounding Uses:
 North – SR 30/Logan City; comm. & mixed use
 South – Agricultural
 East – Logan City; industrial and commercial zoning
 West – Agricultural/Residential



FINDINGS OF FACT (35)

A. Request description

This request was continued from the 3 May 2017 Planning Commission meeting.

1. The DD Auto & Salvage Conditional Use Permit (CUP) 1st Amendment is a request to expand the existing use.
2. The applicant is in violation of the County Land Use Ordinance as the existing salvage yard has been expanded without the review or approval of the Land Use Authority; this has been a violation issue since September of 2007.
3. A previous request for expansion was approved; however the applicant failed to meet the conditions of the approval, and failed to record the permit. Due to this failure, the Land Use Authority approval issued in 2012 became void on September 30, 2016.

4. On 3 May 2017, this CUP request to expand the existing use was brought before the Planning Commission for a decision. At that time, it was brought to the attention of the Commission that there is a pending civil litigation between the applicant, David Grange, and a Mr. Lowell Huber. The Commission continued the CUP request to 3 August 2017 to determine whether this request could be acted upon given the pending litigation. Staff has discussed the situation with the County Attorney and he has directed that the Planning Commission may act on the proposed expansion.
5. As per Utah Code Annotated (UCA) 10-2-401, #1-k, this use qualifies as urban development as defined by the State. Under UCA 10-2-402, #5, the State also stipulates that the County Legislative Body may not approve urban development within a municipality's expansion area without first notifying and responding in writing to any municipal objections. In this instance the proposed use is within the Logan City expansion area.
 - a. Therefore, prior to the recordation of the permit, the county must first notify and respond in writing to any objections of Logan City. **See condition #1**
6. The letter of intent for the DD Auto & Salvage conditional use permit (CUP) 1st Amendment reflects the proposed improvements in the following phases (Exhibit A):
 - a. Phase I: 0-3 years
 - i. Security screening/fencing along the property lines adjacent to Highway 30 and 1900 West, and also along the south and west property lines. **See condition #2**
 - ii. Signage that would be located at the northwest corner of the salvage yard at the entrance to the property along Highway 30, and at the northeast corner of the salvage yard.
 - iii. SR-30 access improvements. Ent 1203646 Bk 2037 Pg 1334
 - iv. A 6,000 square foot truck and storage shop.
 - v. The piping of the existing slough from 1900 West to the southern extent of the property. **See condition #3.**
 - b. Phase II: 3-10 years
 - i. A 12,000 square foot main office building (central) that will function as an office, warehouse, and retail pick-n-pull parts counter.
 - ii. A 7,500 square foot shop and storage building (west).
 - iii. An open face steel building to house new lift racks and the environmental equipment used in the removal of liquids from vehicles.
 - iv. A 3,200 square foot temporary office.
 - v. A 6,000 square foot storage building.

B. Conditional Uses *See conclusion #1*

7. §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*

8. The County Land Use Ordinance stipulates that:
 - a. The proposed conditional use must comply with the regulations and conditions specified in the County Code and other applicable agency standards for such use. **See conclusion #1**

- b. The proposed conditional use must be consistent with the intent, function, and policies of the Cache County General Plan, Ordinance(s), and land use, and/or compatible with existing uses in the immediate vicinity. *See conclusion #1*
- 9. §17.02.060, Establishment of Land Use Authority, authorizes the Planning Commission to act as a Land Use Authority for a CUP. *See conclusion #1*
- 10. Parcel 05-059-0012 has been determined to be a legal parcel as recently evidenced by the issuance of a boundary line adjustment recorded on 22 September 2011 and that returned the parcel to the last recognized configuration.
- 11. §17.07.030, Use Related Definitions defines this use as “3400 Storage and Warehousing, and also specifically as #2. Salvage Yard.”
- 12. §17.07.040, Definitions, defines “3400 Storage and Warehousing” as, “A structure(s) containing storage space(s) of varying sizes that are affiliated with a commercial or industrial uses. Such facilities are to be used for dead storage only. No business activities may be conducted from a storage facility other than those that are clearly ancillary to the primary business.”
- a. Item #2 “Salvage Yard” is further defined as, “A facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded material or equipment. Scrap or discarded material includes but is not limited to metal, paper, rags, tires, bottles, motor vehicle parts, machinery, structural steel, equipment, and appliances. The term includes facilities for separating trash and debris from recoverable resources, such as paper products, glass, metal cans, and other products which can be returned to a condition in which they may again be used for production.”
- 13. §17.09.030, Schedule of Uses by Zoning District, permits this use as a CUP in the Industrial (I) Zone only if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses as noted.
- 14. The Highway Beautification Act of 1965 required that junkyards along identified highways must be screened. 200 North (SR 30) is one of those highways.
- 15. UCA §72-7-205 Conditions for licensing of junkyard within 1,000 feet of highway, specifies that, “The department [UDOT] may not grant a license for the establishment, maintenance, or operation of a junkyard within 1,000 feet of the nearest edge of the right-of-way of any highway on the interstate or primary systems unless the junkyard is:
 - a. Screened by natural objects, plantings, fences, or other appropriate means so the junkyard is not visible from the main-traveled-way of the system;” *See condition #2*
- 16. §17.10.040 Site Development Standards – The required setback from the property line in the Industrial (I) Zone is 30’. The storage of material or placement of structures within the setback area is not permitted. *See condition #4*

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

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

18. The Master Plan, section 5.0 (Exhibit A) describe DD Auto & Salvage's process for the handling and disposal of hazardous waste and material as regulated by the Utah Department of Environmental Quality (Utah DEQ).
19. A UPDES General Multi-Sector Industrial Storm Water Permit has also been obtained.
20. All activities as identified within the DD Auto & Salvage CUP Master Plan amendment request are proposed to only occur on parcel 05-059-0012; however, the existing operation extends onto the neighboring property, 05-060-0001. *See condition #5.*

E. Adequate service provision *See conclusion #1*

21. 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.
22. Access: The property gains access from 200 North (SR 30).
 - a. §12.02.010 Roadway Standards – Requirements for roadway improvement are provided in the current Manual of Roadway Design and Construction Standards (Road Manual).
 - b. 200 North (SR 30) exceeds the requirements of the County Road Manual.
 - c. 200 North (SR 30) is a UDOT facility. The applicant has reviewed their access with UDOT, completed a traffic impact study, and received initial UDOT approval prior to the construction of the access. The current status of this shared access is unknown. *See condition #11*
 - d. UDOT provides year round maintenance on 200 North (SR 30).
23. Parking: Ent 1203646 # 2037 Pg 1336
 - a. §17.22 Off Street Parking Standards – All uses included under Use Index 3000 require a minimum of one parking space per 250 square feet, or a Parking Analysis conforming to §17.07.040 General Definitions and §17.22 Off Street Parking Standards.
 - b. While the site plan identifies a parking area, parking information reflecting the noted standard has not yet been submitted for review. *See condition #6*
24. Refuse:
 - a. The applicant has provided their process the handling of hazardous waste and materials in Exhibit A, Section 5.0.
 - b. A description regarding the disposal of non-hazardous waste has not been provided. *See condition #7*
25. Fire: §16.04.080 [C] Fire Control – The County Fire District identified that the existing access is acceptable, but that future development on the property as proposed requires preliminary plan review by the County Fire District. Any future development must be evaluated and may require improvements based on the location and type of proposed development. Water supply for fire suppression would be provided by the Logan City Fire Department. *See condition #8*
26. Water: If culinary water facilities are provided, an approved, domestic water right is required.
27. Septic: If individual buildings add restrooms, the Bear River Health Department will review them when a Zoning Clearance application has been submitted.

F. Impacts and mitigation *See conclusion #1*

28. 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.”

29. 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.

30. Known or reasonably anticipated detrimental effects of the use are as follows:

a. Visual:

- i. As per the Highway Beautification Act of 1965 and UCA 72-7-205 the use must be screened so that the junkyard is not visible from 200 North (SR 30).
- ii. A portion of the property along 200 North (SR 30) has been screened with an 8’ high concrete wall; however, the access has not been screened so that the junkyard is not visible from 200 North (SR 30). *See condition #2*
- iii. A 6’ high concrete wall has been installed on the south property line, and a chain link and concrete wall has been installed on the west property line. *See condition #2*
- iv. A stacking plan has been provided as part of the Master Plan.
- v. The Master Plan references that a berm on the adjoining property adequately screens the use from east. *See condition #2*

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b. Noise: Hours of operation for the use are unknown, however the business Facebook page indicates business hours of 8:00 a.m. to 5:30 p.m. It is not anticipated that the existing or proposed use would create detrimental amounts of noise, and that existing and required screening may adequately mitigate any significant detrimental effect.

c. Traffic: Based on the completed traffic impact study a low level of site generated traffic is anticipated, and therefore traffic is not likely to have a significant detrimental effect.

d. Sensitive Areas:

- i. FEMA FIRM Floodplain has been identified on portions of the parcels proposed for rezone. Any future development within the floodplain must meet current Code requirements.
- ii. Based on USFWS identified Wetlands mapping that identified possible wetlands present on portions of the parcels proposed for rezone, a wetland delineation was completed that confirmed the actual wetland locations. At this time, there appears to be portions of the wetland areas that are being filled with scrap material. *See condition #3*

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

31. Public notice was posted online to the Utah Public Notice Website on 21 April 2017, 19 July 2017, and 24 August 2017.

32. Notice was published in the Herald Journal on 23 April 2017, 23 July 2017, and 27 August 2017.

33. Notices were posted in three public places on 21 April 2017, 19 July 2017, and 24 August 2017.

34. Notices were mailed to all property owners within 300 feet of the subject property on 21 April 2017 and 24 August 2017.

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

CONDITIONS (11)

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

1. Prior to the recording the permit, the county legislative body must first notify and respond in writing to any objections of Logan City regarding urban development within Logan City's annexation area. *(See A-4)*
2. Prior to recording the permit, or with an improvement agreement, adequate screening of the salvage yard must be provided as follows: *(See A-5, C-14, F-29)*
 - a. As per the Highway Beautification Act of 1965 and UCA §72-7-205, screening must be provided so that the salvage yard is not visible from 200 North (SR 30).
 - b. A screening plan for all property lines that screens the site so that the salvage yard is not visible must be provided to the Development Services Director for review and approval.
 - i. At a minimum, said screening must consist of a 6' tall fence with neutral tone privacy slats.
3. All development, construction, or work activity within the identified wetland areas and the slough must cease, and prior to recording the permit, a copy of any required state and federal permits must be provided to the Development Services Department for any proposed development action to be taken in the identified wetland areas. *(See A-5, F-29)*
4. The required setback from the property line in the Industrial (I) Zone is 30'. The storage of material or placement of structures within the setback area is not permitted. *(See C-15)*
5. Prior to recording the permit, all activity and all storage related to DD Auto & Salvage must cease and must be removed from properties not included within the boundaries identified in this conditional use permit request. *(See D-19)*
6. Prior to recording the permit, either a parking plan or a Parking Analysis identifying the number of required parking spaces as defined by the Cache County Land Use Ordinance must be submitted to the Development Services Department for the review and approval of the Director. *(See E-22)*
7. Prior to recording the permit, a description regarding the disposal of non-hazardous waste must be provided to the Development Services Department. *(See E-23)*
8. Future development on the property requires preliminary plan review by the County Fire District. Any future development must be evaluated and may require improvements based on the location and type of proposed development *(See E-24)*
9. The applicant must abide by the site plan and construction specifications as submitted to the Cache County Development Services Office. Any expansion or modification of the proposed use must obtain the approval of the Land Use Authority.
10. Any future development on the site shall also be considered a phase of this development and may be considered urban development as defined in §10-2-401 U.C.A. As such the development shall be subject to all State regulations pertaining to urban development. *(See A-4)*
11. Prior to recording the permit, the applicant shall obtain approval from UDOT for improvements to the access point from the state road to the subject property. The applicant shall submit a copy of the final UDOT approval to staff. *(See E-21)*

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CONCLUSIONS (2)

Based on the findings of fact and conditions noted herein, staff recommends approval of the DD Auto & Salvage Conditional Use Permit 1st Amendment as:

1. It has been reviewed by the Planning Commission in conformance with, and meets the requirements of, the Cache County Land Use Ordinance, and; *(See C, D, E, F)*
2. As per §17.02.060, Establishment of Land Use Authority, the Planning Commission is authorized to act as the Land Use Authority for this CUP request, and; *(See C-8)*

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LEGAL DESCRIPTION

05-059-0012

BEG AT NW COR LT 6 BLK 28 PLT E LOGAN FARM SVY & TH S 89*06' E 125 FT TH S 0*54' W 250 FT TH E 248.9 FT TO SE COR PARCEL 05-060-0015 TH E 117.55 FT M/L TO MAIN CHANNEL OF SLOUGH TH SE'LY ALG SLOUGH TO S LN LT 6 SD BLK 28 TH N 88*16'16" W 365.43 FT M/L TO SW COR LT 6 TH N 88*37'50" W 663.64 FT M/L TO SW COR LT 5 TH N ALG E LN OF 2100 W ST 176.98 FT TO SW COR PARCEL 05-059-0016 (ENT 675344) TH S 89*14'35" E 189.9 FT TH N ALG E LN OF SD PARCEL 458.77 FT M/L TO S LN OF 200 N ST TH S 89*14'35" E 460.42 FT ALG ST TO BEG CONT 11.72 AC M/L

WITH & SUBJ TO 50 FT R/W AS SHOWN BY BK 450 PG 906: BEG 100 FT E OF NW COR SD LT 6 & TH E 50 FT TH S 300 FT TH W 50 FT TH N 300 FT TO BEG