

1 **Cache County Planning Commission (CCPC)**

2
3 Minutes for 1 October 2009

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5 **Present:** Josh Runhaar, Leslie Mascaro, Chris Sands, Curtis Dent, Lee Nelson, Lamar Clements,
6 Clair Ellis, John White, Megan Izatt

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8 **Start Time: 5:35:00** (Video time not shown on DVD)

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10 **Nelson** welcomed; **Nelson** gave opening remarks.

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12 **Approval of Agenda**

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14 *Clements moved to approve the agenda; Dent seconded; passed 5, 0.*

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16 **Approval of Minutes**

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18 *Clements moved to approve the 03 September, 09 minutes with the noted changes; Ellis*
19 *seconded; passed 5, 0.*

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21 **5:37:00**

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23 **Approval of Consent Agenda**

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25 **#1 McGinnis Subdivision (Jared Abrams)**

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27 **FINDINGS OF FACT:**

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1. The McGinnis Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
 2. The McGinnis Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
 3. The McGinnis Subdivision conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.
 4. The McGinnis Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
 5. Mountain Home Road, the road that provides access to the subject property, has an adequate capacity, or suitable level of service, for the proposed level of development.

39 **CONDITIONS OF APPROVAL**

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1. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
 2. Prior to final plat recordation adequate, approved, domestic water rights shall be in place.
 3. The private drive shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by Cache County.
 4. Residents shall provide sufficient space for placement of refuse and recycle containers so they do not interfere with traffic.
 5. The applicant shall obtain a perpetual easement and right of way on the adjacent lot for the operation and continued maintenance, repair, alteration, inspection, relocation, and replacement of the drainfield, to include all rights to ingress and egress necessary or convenient for the full or complete use, occupation, and enjoyment of the granted easement. Said easement shall be placed on the final plat.
 6. The Applicant shall reaffirm the County's right-of-way for the County road, Mountain Home Road, across the entire frontage of the proposed subdivision.

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2 **#2 Trenton Town Pumping Station (Macall Smith & Ed Cottle)**
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4 *Clements moved to recommend to the County Council approval of the McGinnis Subdivision and*
5 *recommend approval for the Trenton Town Pumping Station Conditional Use Permit. Dent*
6 *seconded; passed 5, 0.*
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8 **FINDINGS OF FACT**

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1. The Trenton Pumping Station Conditional Use Permit has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
 2. The Trenton Pumping Station Conditional Use Permit has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Cache County Code and the requirements of various departments and agencies.
 3. The conditional use permit is issued in conformance with the Standards and Criteria for a Conditional Use within Title 17 of the Cache County Code.

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32 **CONDITIONS OF APPROVAL**

1. Current and future property owners must be aware that they will be subject to the sights, sounds, and smells associated with agricultural activities which are permitted uses in this agricultural zone.
2. Any expansion of the approved conditional use shall require review and approval by the County Planning Commission prior to the expansion.
3. The applicant must abide by the site plan and construction specifications as submitted to the Cache County Zoning Office.
4. The private drive and culvert shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by Cache County.
5. The Applicant shall reaffirm the County's right-of-way for the County road, 8600 North, across the entire frontage of the proposed subdivision.

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50 **5:39:00**

51 **#3 Facer-Davis Gravel Pit (Justin Facer)**

52 **Mascaro** reviewed Mr. Justin Facer's request for a Conditional Use Permit on 17.56 acres of
53 property in the Mineral Extraction Zone located at approximately 12200 North US Highway 91,
54 Cove. The master plan has been submitted. The current access is not adequate and the applicant
55 has proposed to create a new road down to 12100 North. Mr. Facer has proposed an on-site
56 crusher, and will berm the property to mitigate audio and visual impacts. There is a stream along
57 the northern property line and staff is requesting that floodplain delineation be submitted.

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59 Staff, planning commission, and the applicant discussed the use of a crusher, berms, and the
60 quality of the gravel.

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62 **Kelly Field** I am the mayor of Lewiston. Our culinary water supply is 2600 ft. west of this
63 property. That actually falls into zone 3 of our source protection map; we would hate to have
64 our water source contaminated.

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66 **Nelson** above or below this piece of property?

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68 **Mr. Field** to the west.
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1 **Runhaar** we have asked for a Hazardous Emergency Response Plan incase of a fuel spill and we
2 would be more than happy to forward that plan onto Lewiston.

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4 **Sands** what are zone 3 requirements?

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6 **Mark Blair** the State Division of Drinking Water made us create a Source Protection Plan. In
7 this plan it asked for us to hire a geologist to determine where our water source originates. Our
8 water source comes directly from below this gravel pit site. We have a spring source for
9 Lewiston and it has been our source for water for a 100 years. We collect the spring and
10 pressurize it and pump it into our water system.

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12 **Sands** does zone 3 extend into this property?

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14 **Mr. Blair** halfway into that property and then it goes into zone 4. If you look at the property
15 they have about 100' x 50' x 5' deep of manure stacked on this property and that is a major
16 concern as well due to the nitrates. We are very concerned that the infiltration of possibly
17 contaminates into our spring and we will have not way of knowing that until we take our next
18 survey.

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20 **Clements** how is gravel removal going to contaminate the well?

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22 **Mr. Blair** it is a spring. If they are mining, we are concerned about the possible contaminates.

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24 **Clements** we discussed this type of plan years ago and you have no rights to take this property.
25 You have to compensate the property owner if you tell them they cannot utilize their property in
26 the way they choose.

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28 **John White** when they passed this law, you had to mark the aquifer and show it. If you didn't
29 do anything and get it registered, you can't do anything about that.

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31 **Mr. Field** I don't know exactly what the act in front of me but I know that it grants us the right
32 to do zoning in the County. We do have some concerns and I'm not saying that they can't be
33 mitigated, but I would like them to be considered.

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35 Planning Commission and applicant discussed how deep the gravel pit will mine, and the storage
36 of fuel.

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38 **Nelson** how deep is the water underneath this?

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40 **Fields** I don't know.

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42 **Sands** do you have any specific concerns?

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44 **Mr. Blair** we believe the animal nitrate could have a detrimental effect.

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46 **Nelson** they're going to pull the gravel and possibly spread the pile of manure?
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1 **Mr. Blair** yes.

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3 **Justin Facer** Todd has the manure stored there and pulls it out in the fall to spread out on the
4 fields.

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6 **Sands** are they going to have to move the manure for your work?

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8 **Mr. Facer** eventually.

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10 Staff, planning commission, and the applicant discussed the Emergency Response Plan, response
11 to if the applicant hits water, and the manure pile currently stored at the site.

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13 **Mr. Field** can we have some sort of communication set-up?

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15 **Mr. Facer** how about Lewiston can stop by on our work days and if we have a hole dug, they
16 can come check it out. They can put on a hard hat and see how our operation runs anytime they
17 want to.

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19 ***Sands** moved to approve the Conditional Use Permit for the Facer-Davis Gravel Pit with the*
20 *addition of stipulations 17 and 18. **Clements** seconded; **passed 5, 0.***

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22 **FINDINGS OF FACT**

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1. The Davis Cove Pit Conditional Use Permit has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Cache County Code and the requirements of various departments and agencies.
 2. The Davis Cove Pit Conditional Use Permit is issued in conformance with the Standards and Criteria for a Conditional Use within Title 17 of the Cache County Code.
 3. The location of the subject property is compatible with the purpose of the proposed Mineral Extraction zoning district.
 4. County road 12100 North and the proposed private road located to the south of the site does provide adequate capacity, or suitable levels of service for the proposed use.

32 **CONDITIONS OF APPROVAL**

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1. Prior to the commencement of any site development activities or gravel extraction on this site, the Master Plan, including a site plan, reclamation plan, Drainage Plan, Hazardous Emergency Response Plan, and dust suppression plan for the proposed private road shall be reviewed for compliance with applicable county ordinance by the County Engineer. The applicant shall pay the cost of any and all engineering reviews.
 2. A site plan and access to county road 12100 North from a proposed private road shall be reviewed for compliance with applicable county ordinance by the County Engineer prior to commencement of excavation. The applicant shall pay the cost of any and all engineering reviews.
 3. The site plan shall include the following: locations of clearances, rights-of-way, easements, utility lines, existing water courses, including the nearby stream, and pipelines, drainage on the property, property lines with names and parcel ID numbers of adjoining property owners, and ingress and egress.
 4. After approval of the site plan the approval shall be put in the form of a development agreement as required by Cache County Code. The agreement shall include a legal description of the land, a copy of the conditional use permit, a copy of the approved mineral extraction and excavation master plan, all final grading and slope for reclamation of the extraction operation that meets the requirements of Appendix J of the currently adopted International Building Code, a financial guarantee for the rehabilitation and reclamation, and other specific requirements, rights, and peculiarities pertinent to the project.
 5. The applicant shall comply with all requirements of the Division of Air Quality regarding air pollution and supply the County with a copy of the Pollution Plan. The applicant shall report any findings back to the Planning Commission.
 6. The applicant shall perform a sound impact analysis for the equipment (crusher) within the pit to analyze impacts to the surrounding community. The results of this analysis shall be presented to the Planning Commission within 30 days of locating the equipment on site.

- 1 7. Prior to issuance of the Conditional Use Permit the applicant shall obtain all necessary Federal, State, and local permits as
2 required.
- 3 8. The applicant shall construct the proposed private road according to the specifications in the master plan. A non-exclusive
4 perpetual easement must be set in place prior to the issuance of the Conditional Use Permit. A stop sign shall be placed
5 along the proposed road at the intersection with 12100 North.
- 6 9. Prior to the issuance of the Conditional Use Permit, the applicant shall permanently close and remove the existing access
7 from Highway 91 through UDOT. Said closure shall include obliteration of the access driveway, removal of any existing
8 pipe culvert, and the restoration of any right-of-way fence. Work in the highway Right-of-Way shall be permitted by UDOT.
- 9 10. All activities shall be maintained and operated in such a way as to minimize light, fumes, dust, and smoke.
- 10 11. Hours of operation shall be held in compliance with those stated in Cache County Code.
- 11 12. The proponent shall construct berms sufficient to reduce noise and visual impact of the gravel pit and essentially around the
12 proposed crusher site and along Highway 91.
- 13 13. The crusher shall be located in a below-grade area of the extraction operation as to reduce noise pollution to surrounding
14 areas.
- 15 14. A silt fence shall be constructed along the northern and western sides of the premises as to protect the nearby stream.
- 16 15. Any expansion of the approved conditional use or alteration of the master plan shall require review and approval by the
17 County Planning Commission prior to the expansion.
- 18 16. Floodplain delineation shall be conducted to ensure that the floodplain will not be affected by gravel pit extraction or any
19 other activity that may occur within this premise. A LOMR-F may be required. These items shall be conducted by a
20 licensed surveyor or engineer.
- 21 17. Animal manure shall not be stored on- site during or after excavation in the resultant pit. No confined animal feed lots, dead
22 animals, junk, or waste shall be stored on premises.
- 23 18. The applicant shall not extract gravel below the water table. A minimum of 5' of fill shall be maintained over the water
24 table at all times.

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26 **6:40:00**

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28 **Staff Reports**

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30 The Land Use Ordinance was passed by the County Council with a (4) four month delay.

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32 **6:50:00**

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34 **Adjourned**