

## Cache County Planning Commission (CCPC)

Minutes for 4 February 2010

**Present:** Josh Runhaar, Leslie Mascaro, Clair Ellis, Leslie Larson, David Erickson, Curtis Dent, Leslie Larson; non-voting member, Chris Sands, Don Linton, Megan Izatt

**Start Time: 5:37:00** (Video time not shown on DVD)

**Ellis** welcomed; **Dent** gave opening remarks.

### Approval of Agenda

There was a change to the agenda. The Vice-chair is filled by appointment, not election. Curtis Dent has been asked to fill that position. *With the noted change the agenda was passed.*

### Approval of Minutes

*Passed.*

**5:41:00**

### #2 Agricultural Protection Area (Boyd W. & Sheri J. Schiess)

**Mascaro** reviewed Boyd & Sheri Schiess' request for an Agricultural Protection Area (APA) on 8.24 acres of property in the Agricultural Zones located south of Nibley. Staff has received a letter of disputing the APA from Mr. Peterson, a landowner adjacent to the Schiess' property. The letter discusses future annexation plans into the Nibley City and the possibility of creating an island. Staff also received a letter from Nibley City's attorney asking for a continuance because the Peterson's have applied for a petition of annexation with Nibley City. However, that is not possible as the planning commission must make a recommendation within 45 days of the application. This APA meets the five criteria from the state and should be approved.

**Runhaar** we are required by law to respond within 45 days of the application; County Council then has 45 days to respond to the recommendation. We have certain guidelines we must follow for Agricultural Protection Areas. Some are that the land must be used for agriculture, the land must be zoned for Ag, and viable for agriculture.

**Dent** I need to disclose that I have worked for the Schiess family.

**Ellis** I also need to disclose that I have worked with Boyd Schiess at Ellis Equipment and the neighbor Mr. Peterson has been a long standing customer of that family business.

Staff and the Commission discussed the Agricultural Protection Area and if there were other Agricultural Protection Areas near the application. They also discussed the property above 4000 S and its annexation into Nibley City. Mr. Peterson's letter was disclosed to the public and the

competing nature of the neighbors was discussed. Staff also discussed the requirements for annexation into a city with an Agricultural Protection Area.

**Wendy and Ryan Petersen** I am Wendy Petersen and this is my brother Ryan; we are representing our Parents Clair and Maria Petersen. Once an Agricultural Protection application has been submitted, you must make a recommendation within 45 days, and the County Council must then schedule a meeting within 45 days. We ask that you recommend to the County Council that they schedule a meeting 60 days out. Also, we found that notice for us was not fulfilled. It is required that we be given a 10 day notice, and we were only given 6 days notice.

**Dent** your dairy farm is next to this property?

**Ms. Petersen** yes.

**Dent** can they annex without that parcel?

**Runhaar** no.

**Dent** you would like to stop farming and develop your land?

**Ryan Petersen** right now we still plan to farm, but eventually my father is going to retire and we will have to decide at that point what we want to do.

**Ms. Petersen** at some point we do plan to develop.

**Dent** how many acres are we looking at for annexation?

**Ms. Petersen** 126 acres of ours and the 8.24 of the Schiess'.

**Ellis** will you address the notice?

**Runhaar** the notice was sufficient. They are noting the higher notice requirements which are for a legislative body, in this case the County Council. We only have to meet our regular notice requirements. The County Council has set a public hearing on the 23rd, but they are not required to take action.

**Ellis** we can suggest to the County Council to schedule a meeting in 60 days, but we can only suggest and they don't have to follow that recommendation.

**Dent** I want to know why, if there is other land already annexed into Nibley, they are only applying for 8 acre to be placed in an Ag Protection Area?

**Mascaro** The Schiess' have written a letter stating that they are going to apply for Ag Protection Status in Nibley City for the larger part of the farm.

**Larsen** I think there is a negotiated way to deal with this.

**Ellis** it does weight the scales.

**Runhaar** within 120 days, the County Council does have to take action.

**Lynn Lemon** I'm not trying to take sides, but I do want to note that the Schiess' did apply on Dec. 14. Action has to take place within 120 days or the area automatically becomes an Agricultural Protection Area.

*Dent made a motion to recommend approval for the Schiess' Agricultural Protection Area to the Cache County Council; Erickson seconded;*

**Erickson** our limiting factor is we must follow the state code and if they meet all 5 requirements we have to approve.

*with the above discussion, the motion passed 4, 0.*

**6:09:00 pm**

### **#3 City of Logan (Justin Maughan)**

**Mascaro** reviewed Justin Maughan's request for a Conditional Use Permit for the construction of two parallel sewer pipelines along 1900 West from 600 South to approximately 600 North, Logan. Logan City will be responsible for all signage and road closures during construction. The applicant will complete an encroachment permit and pay the fee prior to construction.

Staff, the applicant, and the Commission discussed the right of way for the road, the construction process, signage and signage responsibility, road work, and if repairs need to be made to the sewer pipes.

*Erickson made a motion for approval for the Logan City Conditional Use Permit; Dent seconded; passed 4, 0.*

**6:16:00 pm**

### **#4 H&H Subdivision (Joel Hoyt)**

**Mascaro** reviewed Mr. Joel Hoyt's request for a 4-lot subdivision on 27.91 acres of property in the Agricultural Zone located at approximately 7770 North Highway 91, north of Smithfield. There are 2 homes on the existing one parcel. This subdivision will bring the subject property into conformance with the code. The applicant is essentially proposing one new building lot, and lot 4 will remain as agriculture. Road access is adequate and is septic feasible. The applicant has worked with UDOT and there are no permits required at this time. Garbage and recycling containers will be collected along the state highway.

**Dent** who has been paying the taxes?

**Runhaar** I don't know how they are taxing the property.

**Erickson** I need to disclose that I have lived on this property.

**Mr. Joel Hoyt** we are trying to bring the land into compliance with the county.

*Dent made a motion to recommend approval for the 4-lot H&H Subdivision to the County Council; Sands seconded; passed 4, 0.*

**6:20:00 pm**

**#5 Pinder Rezone (Cheryl Pinder)**

**Mascaro** reviewed Cheryl Pinder's request for a Rezone from Agricultural Zone to Industrial Zone of 1.21 acres in the Agricultural Zone located approximately 3701 West 600 South, Young Ward. The Pinder's own a trucking business and would like to park their trucks on this lot. The Pinder's business hauls both commercial and agricultural products. The County engineer has reviewed the site plan and has determined that the County road provides adequate access to the site for their proposal of 7 to 8 trucks. The parcel is fenced. If there is a gate then staff recommends that the gate is off-set as to allow a semi-truck and trailer to park on their property rather than on the road while the driver is unlocking the gate.

Staff and Commission discussed the requirements for a rezone and if the business would require a Conditional Use Permit and permitted uses, and concerns with the current state of the road.

**Sand** I did receive a call from Mr. Pinder regarding our positions and told him we were appointed.

**Cheryl Pinder** our trucks have been parked there for 8 years. We went from 4 to 7 trucks. The trucks are only there on weekends. They leave Sunday or Monday mornings at 5 or 6 and don't return until about 12 at night on Friday or Saturday. We have been fully compliant since we knew about the issues. We've met with the neighbors and tried to mitigate their concerns. The fire department has responded that we meet their requirements. We've gone to great lengths to alleviate the concerns that have been brought to us. The lot is not there for LW's Truck Stop, but to make things easier for us. We've tried to do things to meet both the county and state laws. All the oil from the trucks goes straight to the dump.

**Mr. Pinder** to let you know, we pay a regular road tax and a highway use tax as well on every one of our trucks.

**Mr. John Ribera** I live on 600 S just to the west. We've lived here for 10 years and speak on behalf of 4 other families on 6th south. We moved here for the quality of life; we wanted to live around agriculture. If we had wanted to live in an Industrial Zone, we would have bought property in an Industrial. If you are familiar with Envision Cache Valley it is about the quality of life. The impacts of a rezone would negatively affect our property value. This rezone could set a precedent and make it easier for others to rezone to Industrial. Property taxes could increase and the road is not designed for truck traffic. The road has had to be repaired due to the truck traffic. Noise will be increased and that can cause sleep deprivation and a change in blood pressure and will disturb wildlife. Air pollution could be affected. This could be a form of spot zoning and I wonder if it is in the best interest of those who live there. I think a study needs to be done about the impacts.

**Mr. Easley** I love next to this property. My biggest concern is the future use of the land and the possibility of an industrial park. I moved here for the quality of life and the impacts of nature. I'm worried about the road and the impacts of trucks. Traffic is already terrible; I don't object to the Pinder's business but I do object to the rezone. I feel this is a wrong move and I don't want it to be industrial.

Kent Seuter I own land around this property. I moved here 30 years ago and those homes that are there are not owned by the original owners. I enjoy my land for the same reasons as the others. If this has been a property further away from these people we wouldn't have these concerns or problems.

**Mel Olsen** I live in Young Ward and drive that road every day. That road is horrible, but traffic has increased due to the school in Mendon. Things are going to change and I think this could keep this land in agriculture for longer. I support this and think it should be approved.

Staff and Commission discussed residents concerns and the use of the land. The qualifications for rezone to industrial were also discussed and the implications of the rezone were discussed as well.

**Sands** I need to disclose that the Pinder's cut my hay and I pay them for that. I live in this area.

*Ellis made a motion to continue item #5; Sands seconded; failure to pass 3, 1.*

*Dent made a motion to deny the Pinder's request for a rezone; Ellis seconded; failure to pass 3, 1.*

**No motions were passed; no recommendation was made.**

**7:14:00 pm**

**10 Minutes Recess**

**7:24:00 pm**

**#6 Armor Storage Hyrum/Nibley (Curtis Knight)**

**Mascaro** reviewed Curtis Knight's request for a Conditional Use Permit to allow a 128 storage unit facility and two signs on 12.69 acres of property in the Agricultural Zone located at approximately 440 South Highway 165, south of Hyrum. This item was continued from the last meeting to address road concerns and give the applicant an opportunity to complete the application. The applicant will make the repairs suggested by the County Engineer and condition 8 will be reworded.

Staff and Commission discussed contact with the canal company, and the requirements for the road improvements, and the requirements for the contractor that will be used. Staff and Commission also discussed the Urban Development requirements.

**Runhaar** I did talk to the Nibley City manager and mayor. Nibley is providing a fire hydrant and support. They haven't indicated negative input.

**Mascaro** I spoke to the planner at Hyrum City. They weren't opposed to the project but they did have some concerns on how the parcel would be landscaped in the front as to conceal the storage units.

**Mr. Knight** the canal company's president was here and gave me a letter.

**Mascaro** reviewed the canal company's letter and there is no problem with the storage units.

**Alan Shakespeare** I have no concerns with any of the conditions. This is in the Agricultural Zone and the general area is adjacent to a 4 lane highway and is near 2 gravel pits.

**Runhaar** we did approve a 5-lot subdivision south of the dairy.

**Erickson** what is the little chunk of property on the southwest corner?

**Mr. Shakespeare** it was an abandoned piece of property and we do own it now.

*Dent made a motion for approval of the Conditional Use Permit for Armor Storage with the noted changes to condition 8. Erickson seconded; passed 4, 0.*

**7:50:00 pm**

**#7 Longstroth Family Subdivision (Jason Wooden)**

**Mascaro** reviewed Jason Wooden's request for a 5-lot subdivision on 24.84 acres of property in the Agricultural Zone located at approximately 6800 West 1000 South, west of Mendon. The initial subdivision was denied by the County Council. The lot placement has changed. Lot's 2, 3, 4, and 5 are now located along 6800 West rather than 1000 South Street.

**Runhaar** the road is a private road and a tentative agreement over ownership has been reached and we will require that agreement at time of recordation.

**Dent** we approved this and County Council denied it?

**Runhaar** we worked for 1 1/2 years to fix the road, 1000 South Street, and were not able to and County Council denied it.

Staff and Commission discussed road requirements and issues and the turnaround for the fire department.

**Mr. Jason Wooden** I wasn't aware of the fire issue, she does keep her gate locked and we will have to deal with that. We realized with the road that we were moving our deal onto our neighbors and possibly negatively affecting them. There has been a disagreement over who

owns the road and we have reached an agreement to deed Cheryl Russell the road when the property is recorded. There are some city water works in the area and we are aware of the issues with those water works. We don't want to put Mendon City water in jeopardy. The requirement for septic is 100 ft. away and we are 500 ft. away.

*Sands made a motion to extend the meeting to 8:15 pm. Dent seconded; passed 4, 0.*

**Mr. Wooden** the land will be deeded to a trust and will stay in the family. These lots are never intended to be sold, but to stay in the family and we do agree with the conditions.

**Linton** in order to deed the property to Judge Russell you will need to include a right of way in the deed.

**Mr. Wooden** yes we understand that and would have right of ways to the four lots. There will be a utility right of way and we haven't discussed the details of that with Judge Russell yet.

**Cheryl Russell** I own property to the south, and the road. There is a dispute about ownership. I had an agreement with Mr. Longstroth that I would receive the title to the road. I would receive that deed within 10 days of recordation of the land. The Longstroth's would receive a right of way and would chip and seal the road to the standards of the County. They would also continue to maintain the road and take care of snow removal. There has been no agreement on the type of fence, but there would be a fence on the east side of the roadway. There would also be no parking allowed on the road and a sign stating private property, no trespassing. I would ask that a condition be added that I receive the deed. If the subdivision is not approved, I would still receive a deed but nothing with the road would need to be done. I am going to ask that the right of way be terminated if the conditions are not met. I don't want to be here again and fighting over this. There was an agreement that I would get a deed to the road and that hasn't happened yet and I want the deed.

**Ellis** we don't generally get involved in private disputes, but you want some extra conditions?

**Ms. Russell** I don't want to be back here again trying to get the deed to the road. I want this taken care of now.

**Linton** I can't find who owns the road and neither can the county recorder. I told them they need to come to an agreement or it would go before a judge.

Staff and Commission discussed the road issues and dispute.

*Dent made a motion to extend the meeting to 8:30; Sands seconded; passed 4, 0.*

**John Hardman** I'm here representing Mendon City. Water is a limiting factor on the west side of the county. Water quantity is a major issue. We are in the process of getting another well in this area and are concerned about other wells in the area. We ask that you postpone action on the lots requiring well until we can drill a test hole. All well permits are being held by the state until a test hole is done and we know the geology in this area.

**Bill Fletcher** I am the president of a company that deals with well field management. I want to present that company and bring my knowledge of drilling wells forward. The water is so strategic to Mendon and I maintain that we need to protect that area from development and that is my professional opinion.

**Rob Stewart** I own land to the east. We claim a right of way on that road. You have well permits and I hate to see lots approved without permits. We have proposed a subdivision to Mendon and were required to have 2 1/2 acres lots by Mendon. Also, we were told by Mendon when we proposed our subdivision that the current road is not okay for increased traffic.

**John Stewart** The Wellsville Mountain is the most remarkable for the water it produces and there is a limit on what it can do.

*Dent made a motion to continued item #7; Erickson seconded; passed 4, 0.*

**8:30:00 pm**  
**#8 and #9**

The Planning Commission will hold a mid-month meeting to discuss items 8 and 9

**Adjourned**