

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

2
3 Minutes for 6 May, 2010

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5 **Present:** Josh Runhaar, Leslie Mascaro, Darrel Gibbons, Clair Ellis, Leslie Larson, David
6 Erickson, Don Nebeker, Chris Sands, Curtis Dent, Jon White, Don Linton, Megan Izatt

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8 **Start Time: 5:31:00** (Video time not shown on DVD)

9
10 **Ellis** welcomed; **Larson** gave opening remarks.

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12 **Approval of the Agenda**

13
14 The agenda passed with the deletion of item #6.

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16 **Approval of Minutes**

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18 *Nebeker made a motion to approve the minutes with the addition to page 3 about many council*
19 *members not agreeing with the County being the main contractor on the project; Larson*
20 *seconded; passed 6, 0. (Dent Abstained)*

21
22 **5:37:00**

23
24 **#1 Eagle Rock Subdivision Phase II Amended (Brian Lyon)**

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26 **Mascaro** reviewed Mr. Brian Lyon's request for a recommendation of approval for an addition
27 of 2 lots to be added to an existing 5-lot subdivision located on 79.65 acres in the Agricultural
28 Zone located at approximately 6850 West 2700 North, Petersboro. All conditions from Phases I
29 and II shall apply to these two additional lots.

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31 Staff and Planning commission members discussed the history of Eagle Rock subdivision and
32 the private road designation.

33 **Larson** I don't remember all the history here.

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35 **FINDINGS OF FACT:**

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1. The Eagle Rock Phase II 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 Eagle Rock Phase II 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 Eagle Rock Phase II Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
 4. Eagle Rock Phase II Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

44 **CONDITIONS OF APPROVAL**

45 The following stipulations must be met for the development to conform to the County Ordinance and the requirements of county service providers.

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1. Prior to final plat recordation adequate, approved, domestic water rights shall be in place.
 2. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
 3. The private road 2700 North shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by Cache County.

- 1 4. Fire Sprinklers shall be installed within all dwelling units within this subdivision.
- 2 5. The Codes Covenants and Restrictions shall be updated to include the additional two lots within Eagle Rock Phase II. Codes Covenants and
- 3 Restrictions shall be approved by the Cache County Attorney and Zoning Administrator to ensure that the private road can be adequately
- 4 funded and maintained. The applicant shall provide documentation that the private road shared with the Eagle Rock development will be
- 5 jointly maintained.
- 6 6. A note shall be added to the final plat stating that County services may be limited or discontinued if the private road is not adequately
- 7 maintained.
- 8 7. The applicant shall post signage to indicate that the road is private and there will be no county maintenance or snow removal to the road.
- 9

10 *Gibbons made a motion to recommend approval to the County Council with the stated*

11 *recommendations and conditions of approval; Nebeker seconded; Passed 7, 0.*

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13 **5:43:00**

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15 **UT 1 Big Boot (Doug Kofford)**

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17 **Mascaro** reviewed Mr. Doug Kofford's request for a Conditional Use Permit to allow the

18 construction of a 12' X 26' equipment shed and a 50' tall monopole with 12 antennas on a 22' X

19 46' leased portion, which has been rezoned to UCO Zone, of a 157.24 acre parcel located along

20 the County line, south of Wellsville. Mr. Kofford has met with UDOT and there are no issues

21 with access at this time. Mr. Kofford has provided a photo simulation of what the site will look

22 like. We have worked with the applicant to disguise the building with a natural exterior for the

23 equipment shed.

24

25 Staff and Planning Commission discussed line of sight and disguising the site so it is not as

26 visible from the road. Height of the poles and the possibility of one pole instead of three were

27 discussed. Also, approving the project before the rezone has been approved by the County

28 Council was discussed.

29

30 **FINDINGS OF FACT:**

- 31 1. The UT1-Big Boot CUP has been revised and amended by the conditions of project approval to address the issues and concerns raised
- 32 within the public and administrative records.
- 33 2. The UT1-Big Boot CUP has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of
- 34 the Cache County Code and the requirements of various departments and agencies.
- 35 3. The conditional use permit is issued in conformance with the Standards and Criteria for a Permitted Use within Title 17 of the Cache
- 36 County Code.
- 37

38 **CONDITIONS OF APPROVAL**

39 The following stipulations must be met for the developments to conform to the County Ordinance and the requirements of county service

40 providers.

- 41
- 42 1. Current and future property owners must be aware that they will be subject to the sights, sounds, and smells associated with agricultural
- 43 activities which are permitted uses in this agricultural zone.
- 44 2. The applicant must abide by the site plan and construction specifications as submitted to the Cache County Zoning Office.
- 45 3. Any further expansion or modification of the facility, site, or of the business shall require review and approval by the appropriate land use
- 46 authority and shall meet the requirements of the Cache County Ordinances.
- 47 4. Any outdoor storage on this site shall be kept to a minimum and maintained in an orderly fashion.
- 48 5. All proposed structures shall maintain appropriate setbacks from the county line and from property lines.
- 49 6. The applicant shall complete the rezone process prior to recordation.
- 50 7. No site development shall be performed prior issuance of this Conditional Use Permit and a building permit.
- 51 8. The applicant is required to obtain a Zoning Clearance and all applicable department reviews prior to any construction on the lot.
- 52

53 *Erickson made a motion to approve the conditional use permit; Gibbons seconded; Passed 7, 0.*

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1 **5:51:00**

2 **#3 UT 1 Hyde Park (Doug Kofford)**

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4 **Mascaro** reviewed Mr. Doug Kofford's request for a Conditional Use Permit to allow the
5 construction of a 12' X 26' equipment shelter and a 100' tall lattice pole with 12 antennas within
6 a leased 36' X 48' area of 1 (one) acre parcel located north of Hyde Park. The applicant will
7 dismantle the current site and replace it with the proposed site. Access has been proposed from
8 400 south; there is a recorded right-of-way, but it is not fully defined. The applicant shall
9 provide an approved right-of-way with a legal description prior to recordation.

10

11 **Runhaar** this is one where height regulations, monopole design, co-location, would work. A
12 100' lattice tower is going to be a huge restriction; if we'd had a height restriction we would
13 have been safer.

14

15 **Sands** the one we did in Avon was a monopole, was that a 100 ft. pole? Why would this one
16 need to be lattice.

17

18 **Kofford** what we are doing on this site, is that AT&T has a pole on this site which cannot house
19 our antenna. So, we are building a new building and housing the equipment there. We are
20 building a lattice tower because it is a better system for our antenna as well as AT&T's and
21 anyone who wants to possible have an antenna there.

22

23 **Ellis** was there any comments from the public?

24

25 **Mascaro** no.

26

27 **Nebeker** what could you do with the type of construction to make the installation more natural,
28 or more tree like, color variation?

29

30 **Kofford** there have been many different things done over the 15 years I've been in the business.
31 When we put a pole in near Wellsville they required that we paint the pole and none of the colors
32 worked. The steel worked the best at blending in with the surrounding area. There is a pole that
33 is designed to look like a tree in Provo, and it sticks out like a sore thumb.

34

35 **Nebeker** does camouflage coloring tend to work?

36

37 **Kofford** not really. We can do many things to disguise towers, but here none of that is going to
38 be very effective.

39

40 **Sands** I think the only thing we can do, other than requiring a shorter height, is that the steel
41 color works best.

42

43 **Nebeker** we've approved at least a couple of these and most you can't see. There are litigation
44 things that can be done.

45

1 **Ellis** I think with a conditional use permit we weigh things. What is the need for a 100 ft instead
2 of a 150 ft pole?
3

4 **Kofford** signals come off poles in a vertical line. The higher the pole, the farther the signal will
5 project. I believe the public would rather have taller towers, than a proliferation of smaller
6 towers. The footing on a lattice pole, is not as deep due to the strength of three legs. A
7 monopole requires a deeper footing.
8

9 **Ellis** you could do a 100 ft. monopole?
10

11 **Kofford** depending on the soil structure, yes. The lattice tower, in this situation is more
12 economical.
13

14 **Nebeker** a tree, among trees, wouldn't be that obvious.
15

16 **Kofford** all the poles that are there currently are 45 feet tall. Having the 100 foot height allows
17 the radio station to change the angle of signal
18

19 **Kent Frandsen** I own the radio station that is currently on that sight. A 100 foot structure
20 makes it easier to allow the propagation and radiation. We did have a sight check from the FCC
21 and this station radiated a higher radiation level, and we were required to lower our power to
22 reduce that radiation level. A 100 foot tower would help regulate the radiation level.
23

24 FINDINGS OF FACT

- 25 1. The UT1-Hyde Park CUP has been revised and amended by the conditions of project approval to address the issues and concerns raised
26 within the public and administrative records.
- 27 2. The UT1-Hyde Park CUP has been revised and amended by the conditions of project approval to conform to the requirements of Title 17
28 of the Cache County Code and the requirements of various departments and agencies.
- 29 3. The conditional use permit is issued in conformance with the Standards and Criteria for a Permitted Use within Title 17 of the Cache
30 County Code.
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32 CONDITIONS OF APPROVAL

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34 The following stipulations must be met for the developments to conform to the County Ordinance and the requirements of county service
35 providers.

- 36 1. Current and future property owners must be aware that they will be subject to the sights, sounds, and smells associated with agricultural
37 activities which are permitted uses in this agricultural zone.
- 38 2. The applicant must abide by the site plan and construction specifications as submitted to the Cache County Zoning Office.
- 39 3. Any further expansion or modification of the facility, site, or of the business shall require review and approval by the appropriate land use
40 authority and shall meet the requirements of the Cache County Ordinances.
- 41 4. Any outdoor storage on this site shall be kept to a minimum and maintained in an orderly fashion.
- 42 5. All proposed structures shall maintain appropriate setbacks from the county line and from property lines.
- 43 6. The applicant shall complete the rezone process prior to recordation.
- 44 7. No site development shall be performed prior issuance of this Conditional Use Permit and a building permit.
- 45 8. The applicant is required to obtain a Zoning Clearance and all applicable department reviews prior to any construction on the lot.
- 46 9. There is a recorded right-of-way to the subject property that is not fully defined, and the grantor has the right to change the right-of-way to
47 their discretion. The applicant shall provide an approved right-of-way with a legal description prior to recordation.
48

49 *Dent made a motion to approve the Conditional Use Permit for UT 1 Hyde Park for the*
50 *construction of an equipment shelter and a 100' tall communications tower; Nebeker seconded;*
51 *Passed 5, 2 (Sands, Ellis).*
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1 **6:10:00**

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3 **Mt. Pisgah Rezone (Hal Fronk)**

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5 **Mascaro** reviewed Mr. Hal Frank's request for a Rezone from FR-40 Zone (Forest Recreation)
6 to ME Zone (Mineral Extraction) of 640 acres located approximately two miles north of Mantua.
7 Mr. Fronk has received a permit from the state to extract the gravel. Mr. Fronk has submitted a
8 transportation concept with the ingress route being Highway 89 to Mt. Pisgah road to a private
9 drive and the Egress route being a private road to Mt. Pisgah road to county road 2400 west to
10 SR 191 and onto US Highway 89. Mt. Pisgah and 2400 west currently do not meet county
11 standards and will have to be improved to county standards.

12
13 Staff and Planning Commission discussed the process for rezoning the land and what will be
14 required for a Conditional Use Permit. The road conditions and what will be required for the
15 roads to be brought up to County standards were also discussed.

16
17 **Sands** quarries are more invasive; they possibly will need to use explosives.

18
19 **Hal Fronk** I don't think we are going to have to use explosives.

20
21 **White** this is in the middle of nowhere. If it gets rezone out of FR-40, is it taken out of green
22 belt?

23
24 **Runhaar** it would be. We are looking at an overlay zone and I think that it would be wise for us
25 to look at a Mineral Extraction overlay for the future. If they are only using 45 acres of the 640,
26 it would allow us to only rezone a portion of the site instead of the entire parcel.

27
28 **Nebeker** can we receive more information on the intent and route they are going to be going? I
29 don't like the road through Paradise.

30
31 **Mr. Fronk** the road through Paradise shouldn't be up there. We will not be going through
32 Paradise.

33
34 **Sands** is all 640 acres part of the quarry?

35
36 **Mr. Fronk** it could be. I talked to Kathleen about the green belt issue, and the entire plot
37 wouldn't be taken out of green belt, from my understanding. Only the zone that we are using
38 would be taken out.

39
40 **Ellis** with notice on this, it seems like access is the biggest issue. Do we notice everyone on the
41 road?

42
43 **Runhaar** we do not. We don't have the budget to notify everyone who lives on Mount Sterling
44 Road.

45
46 **Mr. Fronk** I'm not completely sure on the green belt issue, but the thought is to rezone it all at
47 one time. There are no tax ramifications to do it all, and we thought it would be easier to do it all

1 at one time instead of having to come back. We have done some tests and it seems like all 640
2 acres might be useable.

3
4 **Runhaar** if we are to go to an overlay, the only thing we would be adding is the ability to mine
5 the quarry. The applicant wants to mine, but you are right about the zone.

6
7 **Sands** I struggle a lot with mining operations, but this one you won't be able to see from the high
8 way and you shouldn't be able to see it from any residencies.

9
10 **White** people will be so glad to see the road fixed. That road is in terrible condition.

11
12 **Brandon Cap** when we submitted the road reconstruction, we plan on widening the road to meet
13 county standards. We are going to address that situation and fix the road; it will be a lot better.

14
15 **Dent** where are they hauling the stuff to process it?

16
17 **Mr. Fronk** to Devil's slide.

18
19 **Sands** does that mean the rock is mostly for cement?

20
21 **Fronk** mostly, but we are also talking with Nucor.

22
23 **Ellis** on a rezone, what's required?

24
25 **Runhaar** we need to have a public hearing, which can be done here or at Council. Once the
26 rezone is approved, they will need to apply for a conditional use permit where reclamation, road
27 requirements, etc. will be discussed.

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29 **FINIDINGS OF FACT:**

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1. The locations of the subject properties are compatible with the purpose of the proposed Mineral Extraction zoning district.
 2. The subject properties are suitable for development within the Mineral Extraction Zone district without increasing the need for variances or special exceptions within this zone.
 3. The subject properties are suitable as a location for all permitted uses within the proposed Mineral Extraction zone.
 4. The subject properties, when used for the permitted uses in the Mineral Extraction Zone, would be compatible with the adjoining land uses.

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38 **CONDITIONS OF APPROVAL**

39 The following stipulations must be met for the developments to conform to the County Ordinance and the requirements of county service
40 providers.

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1. Prior to the commencement of any site development activities on this site, a Conditional Use Permit shall be approved in conformance with Title 17 the Cache County Code.

44 **Gibbons** made a motion to recommend the rezone to the council with the stated
45 recommendations and conditions. **Nebeker** seconded; **passed 7, 0.**

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47 **6:30:00**

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49 **#5 Discussion – Amendments to Title 17.09, 17.07, 17.21**

1 Staff and Planning Commission discussed the use chart and the changes that have been made.
2 The definitions have been split into two sections. Many of the commercial and industrial uses
3 currently allowed in the Agricultural Zone are no longer allowed. There will be a small business
4 exception allowed in the Agricultural Zone. The small business designation will be based on the
5 size of the business and the impact on the surrounding area. Changing the mineral extraction
6 zone to an overlay was discussed. The chart and its definitions will be ready for the next
7 meeting.

8
9 Ordinances will appear on the agenda for the next year as the Commission and staff continues to
10 work through the ordinances that need to be re-worded.

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12 **6:58:00**

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14 **Adjourned**

DRAFT