

Cache County Planning Commission (CCPC)

Minutes for 08 July, 2010

Present: Josh Runhaar, Chris Harrild, Don Nebeker, Clair Ellis, Chris Sands, David Erickson, Leslie Larson, Don Linton, Megan Izatt

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

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

5:33:00

Agenda

Passed

Minutes

June 3, 2010 – *Passed*.

June 14, 2010 – *Passed*

5:34:00

Consent Agenda

#1 Kenneth Cardon Subdivision Amendment (Allan Cardon)

Allan Cardon no concerns.

Findings of fact:

1. The Kenneth R Cardon Amendment 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 Kenneth R Cardon Amendment 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 Kenneth R Cardon Amendment conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.
4. The Kenneth R Cardon Amendment is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. Access from county road 4000 West provides adequate access but will require a minimum 18” culvert in the approach to this property.

Conditions of Approval

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

1. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
2. All private drives shall meet applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by Cache County.
3. A minimum 18" culvert shall be constructed for the access to this property.
4. An Encroachment Permit shall be required prior to the construction of the access to this property.
5. All lots shall provide sufficient space for placement of refuse and recycle containers so they do not interfere with traffic.

Sands moved to approve the subdivision with the stated conditions and findings of facts; Erickson seconded; Passed 5, 0.

5:38:00

#2 Spriggs Subdivision and Boundary Line Adjustments (Melanie Spriggs)

Runhaar reviewed Ms. Melanie Spriggs request for a 2-lot subdivision and boundary line adjustment on 40.17 acres of property in the Agricultural Zone located approximately at 1430 East 11000 South, Avon. The road is currently at 16 feet and we are asking that the road be widened to 20 foot road plus 1 foot shoulder. Back in 1999 it was required that the road be widened to 22 feet and that was done by the applicant. However over time the road has been reduced to 16 feet and we are asking that the road be widened back to the condition it was in 1999.

Staff and commission discussed the needed road improvements. The road will need to be widened to 20 feet with a 1 foot shoulder. There is a possibility that the applicant might not be responsible for the road improvements as this is a county road.

Melanie Spriggs I have no concerns. I actually built the road in 1999 and we had strict parameters for the road base and things like that. There actually is a turn around there already but due to changes to the fire code we are willing to bring it up to code. I know what we have to do and hopefully the work on the turnaround will start soon and I have all the correct permits and everything.

Findings of fact:

1. The Spriggs Subdivision and BLA 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 Spriggs Subdivision and BLA 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 Spriggs Subdivision and BLA conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.

4. The Spriggs Subdivision and BLA is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

Conditions of approval

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

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 for lot 1 of the proposed subdivision.
3. All private drives shall meet applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by Cache County.
4. All lots shall provide sufficient space for placement of refuse and recycle containers so they do not interfere with traffic along county road 11000 South.
5. County road 11000 South, from the intersection to the private drive of lot 1, shall be widened to its previous width to 20' wide with 1' shoulders and a gravel surface.
6. The existing turnaround in front of the subject property shall be improved to meet fire district standards and specifications.
7. The design of all roads within the development shall be reviewed by the County Engineer for compliance with applicable codes. The proponent shall submit a full set of engineered design and construction plans. The plans shall address issues of grade, drainage, base preparation and construction, and surfacing for the road. The cost of such review shall be paid by the proponent.

Erickson moved to recommend approval to the Cache County Council for the Spriggs Subdivision and Boundary Line Adjustments with the needed changes; *Nebeker* seconded; **Passed 5, 0.**

5:48:00

#3 West Bench Vista (Brian Lyon)

Runhaar reviewed Mr. Brian Lyon's request for an 8-lot subdivision and boundary line adjustment on 80.05 acres of property in the Agricultural Zone located approximately at 2500 North 7000 West, Petersboro. The boundary line is to add enough acreage to complete an 8 lot subdivision. There are access issues across a natural drainage that crosses lots 7, 8 and 1. The accesses will need to be engineered at time of home construction. Staff has concerns of obtaining CC&Rs for the open space so it does not become a weed patch. We also are concerned with the size of the lots; without secondary water lots like these typically are not maintained. The access is off private road 7500 north. The new private road will be constructed to 20 foot wide paved surface with 1 foot shoulders. It will need an approved turnaround at the end of the road as well. We do have an issue with fire protection as well. On both Eagle Rock phases 1 and 2, Cache County Council required fire sprinklers and we are requesting that that requirement be maintained on this project as well due to the fact that fire cannot access these lots easily.

Larson leaves

Staff and commission discussed the requirement of fire sprinklers for residential dwellings. The County Council required Eagle Rock phases 1 and 2 to have sprinklers and trying to keep consistency the fire districted has asked that sprinklers be required. Staff and commission also discussed the requirements for the private road. The road will be required to meet fire code.

Brian Lyon one thing on fire sprinklers, I think it should be the decision of the homeowners. I know there was fire about 1 mile south of this subdivision and they were able to get firefighters there and get the fire out. I feel it should be a decision left to the homeowners.

Ellis who will own the open space?

Brian Lyon right now it is still in the hands of the owners and I believe it will remain in their hands. They have maintained it and it is a really nice area.

Findings of fact:

1. The West Bench Vista Subdivision and BLA 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 West Bench Vista Subdivision and BLA 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 West Bench Vista Subdivision and BLA conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.
4. The West Bench Vista Subdivision and BLA is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

Conditions of approval

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

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 for all building lots within the West Bench Vista Subdivision.
3. All private drives shall meet applicable requirements of the 2006 International Fire Code and any other applicable codes as adopted by Cache County.
4. All lots shall provide sufficient space for placement of refuse and recycle containers so they do not interfere with traffic.
5. An open space master plan shall be submitted and approved by the Cache County Zoning Administrator prior to final plat recordation.
6. Lots 1,7, & 8 shall provide engineered plans concerning the private drive crossing over the drainage areas with slopes in excess of 20%.
7. The plat shall not be recorded until an agreement in regards to the Covenants, Conditions, and Restrictions is approved by the Cache County Attorney and Zoning Administrator to ensure that all private roads can be adequately funded and maintained.

8. The private road 2500 North shall meet all applicable requirements of the 2006 International Fire Code and any other applicable codes. The private road shall be a 20' drivable surface with 1' shoulders.
9. The design of all private roads within the development shall be reviewed by the County Engineer for compliance with applicable codes. The proponent shall submit a full set of engineered design and construction plans. The plans shall address issues of grade, drainage, base preparation and construction, and surfacing for the road. The cost of such review shall be paid by the proponent.
10. 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 maintained.
11. The applicant shall post signage to indicate that the road is private and there will be no county maintenance or snow removal on the road.
12. Fire Sprinklers or other fire suppression or mitigation alternatives shall be installed within the subdivision or within all dwelling units within the subdivision as recommended by the Cache County fire district.
13. The design of all private roads within the development shall be reviewed by the County Engineer for compliance with applicable codes. The proponent shall submit a full set of engineered design and construction plans. The plans shall address issues of grade, drainage, base preparation and construction, and surfacing for the road. The cost of such review shall be paid by the proponent.

Erickson motioned to recommend approval to the County Council for the West Bench Vista Subdivision with the addition of condition #8 adding additional 1 foot shoulders, 20 foot wide paved road and condition #6 adding the slopes with 20% or more grade; **Sands** seconded;

Nebeker motioned to amend the previous motion to change condition #12 to read that fire sprinklers or other fire suppression or mitigation alternatives shall be installed within the subdivision or the dwelling units within the subdivision as recommended by the fire district; *Erickson* seconded; **Passed 4, 0.**

Erickson's original motion **Passed 4, 0.**

6:17:00

#4 K & K Welding Conditional Use Permit (Kirt Archibald)

Runhaar reviewed Mr. Archibald's request for an expansion of an existing conditional use permit to allow the placement of a portable classroom to be used as an office on 58.50 acres of property in the Agricultural Zone located at approximately 2150 West Highway 101, Hyrum. UDOT has no concerns regarding this project as it should not increase traffic volumes. Hyrum City is concerned with the outward appearance dues to lots of machines and debris surrounding the business. There will be no increase in employees or actually work being done on site with this expansion. This CUP was originally approved for up to 5 employees including the owner.

Ellis you mentioned appearance, is the applicant in compliance with the conditional use permit?

Runhaar they are.

Erickson is this a canal that goes through this property?

Mr. Archibald it does; about 200 yards below our parcel.

Erickson I noticed that the original conditional use permit is for the entire parcel, so you could eventually expand out?

Mr. Archibald yes we could; it is all open ground.

Erickson does that slope from the north to the south?

Archibald yes. But it is flat until about 200 yards below the building.

Erickson I'm wondering if we need to notify the canal company and discuss plans to deal with spills.

Archibald there would be no liquids coming from the welding shop.

Runhaar if they are going to continue expanding their yard, they would have to come back to the Commission and at that point we would look at issues with the canal.

Ellis you heard the comment from Hyrum?

Archibald we are a welding shop working on equipment and that is where equipment goes.

Findings of fact:

1. The K&K Welding Conditional Use Permit expansion 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 K&K Welding Conditional Use Permit expansion 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; and
3. The K&K Welding Conditional Use Permit expansion is issued in conformance with the standards and criteria for a Conditional Use within Title 17 of the Cache County Code.
4. Highway 101, the road that provides access to the subject property, has an adequate capacity or suitable level of service for the proposed use.

Conditions of approval

The following stipulations must be met for the development to conform to the Cache County Ordinance and the requirements of county service providers, and for the protection of the public interest and adjacent properties.

1. The applicant must abide by the site plan and construction specifications as submitted to the Cache County Zoning Office;

2. Any further expansion or modification of the facility, site, or of the business shall require a review by the Land Use Authority for a new Conditional Use Permit and meet the requirements of the Cache County Ordinances,
3. 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 the agricultural zone.
4. All landowners are required to obtain a Zoning Clearance and all applicable department reviews prior to any construction or the placement of structures on the subject parcel.
5. The proponent is subject to all conditions as set forth and approved on all existing Conditional Use Permits as follows:
 - a. This commercial business shall obtain a County Business License to operate at this location
 - b. Any expansion of this commercial business beyond the five approved employees (including the owner), expansion of the approved building, construction of additional buildings, etc., shall require review and approval of the Planning Commission prior to that expansion.
 - c. The applicant and property owners shall comply with all State and County regulations.

Nebeker motioned to approve the expansion of the Conditional Use Permit for K & K Welding; *Erickson* seconded; **Passed 4, 0.**

6:25:00

#5 Cove Auto Conditional Use Permit (Tom & Susan Haddock)

Runhaar reviewed Mr. and Ms. Haddock's request for approval for a conditional use permit for a small business to allow a commercial auto repair business in an existing building on 19.24 acres of property in the Agricultural Zone Located at approximately 554 East 12600 North (Cannibal Road), Cove. There was a conditional use permit approved in 1997 that allowed for the construction of a building and Cove Auto leased that building from 1998-2003 and then the business was dissolved. They are asking for a conditional use permit for a similar use of the building. Staff is recommending that the applicant not have more than 5 overnight vehicles parked on-site and the vehicles will need to be placed within a concealed areas as designated within the site plan.

Staff and planning commission discussed the small business code and if rezoning would be better or a conditional use permit. The business code does allow for the auto shop to operate in the Agricultural Zone.

Susan Haddock The only thing that we wanted to ask is the condition regarding the overnight cars. We would like to ask that it be expanded to 8-10 cars where it will be concealed by a fence or natural surroundings. We already own a shop in Richmond and keep it clean and tidy. We don't plan on becoming a junk yard or anything but to go back to the small business we were originally. The other thing that we are considering right now is to purchase the land and the home so we would actually be living there. We don't want to bother the neighbors or anything and we want to be conscious of the surrounding area.

Ellis who is living in the home now?

Ms. Haddock Karey Krueel.

Ellis are they invested in the business?

Ms. Haddock as of right now they are not, but we are working on buying the home or bringing her into the business.

Ellis the operating hours outside limits are 6am to 10 pm. When would you intend to operate?

Ms. Haddock right now in Richmond we operate between 8 am – 6 pm and we are open part of the day on Saturday. We don't plan on operating different hours right now.

Erickson there is a fence to the east right now, what is it?

Ms. Haddock it is a wire fence right now, but we have talked about putting a privacy fence in.

Steve Deheck we live west of the shed. I sent some pictures in. High Creek is about 100 feet from here. We live in the country for a reason and I wouldn't have bought this property if I had known this was going in. This will affect my property value. They say they run a clean shop, I have never seen an auto shop that doesn't have oil, antifreeze, batteries there. I'm worried about contamination because this is close to my well. This building shouldn't be a commercial building and shouldn't be a mechanic shop. This is a residential road with children and people who walk there. They talk about hours of operation and they talk about the house. There is nobody in that house right now and she is concerned about it but nobody is going to live there. The house hasn't been put on the market and it has 19 acres with it. There are a lot of questions here.

Runhaar the site plan indicated that the entire shop area will be contained within the current area. Any expansion of that would need to come back to the commission and it would be a violation of the permit to even park cars near the home.

Mr. Deheck the septic tank, where does the drainage go? That drainage all goes into my well.

Runhaar there is a current bathroom there and has been since 1998.

Mr. Deheck my well wasn't there at that point and are there containers there for fluids?

Runhaar there are state and federal issues that controls fluids. We have required plans in the past that the applicants show that they are aware of the issue with draining fluids and how they are handling the fluids.

Mr. Deheck who is the enforcement agency?

Runhaar our office. Any of the conditions within the conditional use permit would be enforced by our office and if there were any issues we would forward those onto the appropriate officials.

Mr. Deheck who enforces the conditions?

Runhaar that is our office. Typically that is handled by complaint. If the conditional use permit is out of compliance, unless there is a complaint we don't enforce it. But if there are complaints we enforce it. If we receive a complaint we send a letter notifying the owners

Mr. Deheck I am against this. There are wells there that weren't there before and we bought the land for agricultural uses.

Larson what year did you build there?

Mr. Deheck four years ago.

Adam House I just bought property to the west of this. While our well isn't there yet, it will be and we are concerned with contamination. You wouldn't want it there if it was being proposed near your home either. There are areas that are zoned for this use already and he is successful where he is at right now.

Nebeker are you concerned with sight and sounds?

Mr. House definitely. The noise with impact wrenches and stuff like that. I know the people who own the home are moving right now. The land is zoned agriculture and should stay that way.

Nebeker since it is allowed in the agricultural zone, if there were to be a privacy fence what would you envision a privacy fence to be that would be adequate to protect your interests?

Mr. House I haven't seen any privacy fence in use that would work. But I would think 10 feet high, completely shielded from outside view and the land to be completely paved. I don't want my horses or my family near this and I wouldn't have bought the land if I had known this was going to happen.

Terry Griffin I live across the street from this and am concerned about property values. Also, my well is not even 100 feet from the shed.

Larry Rosen I lived here when Tom was in there before. I never experienced any of the issues that these people have mentioned when he was there before. Tom was very conscientious of the issues and kept regular business hours. My degree is in environmental engineering and I know about spills and things like that. Short of them pouring oil out on the ground, there shouldn't be any problems. Tom didn't have any junk cars or anything there before. When Tom was there before it was no different than it is today; He kept the property clean and there was no problems. If he is putting up the privacy fence, then I don't think there should be any problems.

Ellis do you live in the area now?

Rosen yes, right across the street.

Sands how deep are the wells in that area?

Rosen I think the deepest is 325 feet. They aren't very deep; ours is about 125 feet. I don't know for sure what theirs is, but it is river shallows there. There is no contamination there other than what a normal farmer would bring. I've never seen any problems with spills.

Lana Rosen I live across the street. We are the only neighbors here that were there when Tom had his shop before. I think this should be allowed. The people who lived there before have just barely started leasing the 19 acres for cattle. Before that, it was just a fire hazard. We have had fire there before and it's come right up to the shed. Right now it's a mess; the weeds are 5 feet tall and the trees have not been trimmed. The building itself has been occupied and rented out, including by myself, in the past but right now it is empty and is a fire hazard. You're only talking 3 employees; you are not going to funnel 5000 cars through there. When he was there before the building was nice and kept in good repair.

***Erickson** motioned to move back the public hearing until after item #7; **Larson** seconded; Passed 5, 0.*

Mr. Rosen I might add that if they are in violation then by all means call and complain or talk to Tom first. There is an avenue for people to go through if it doesn't work or isn't viable, but from past experience it worked very well.

Mr. Haddock I think from the front of the building to the road is 170 feet. From the back of the building from High creek it is probably about 600 feet. All the ground is gravel and is overgrown. The only reason we left that location was because the previous owner put the property up for sale or we wouldn't have left. The opportunity has come up for us to buy this property and we would like to. The first well is located on the aerial photo and we are concerned with contamination. We do own horses and some steers and would use the property. We left in April of 2003 and since then two other businesses have been housed in that building. One was an auto paint business and the other a welding business and both of those businesses included a lot of fluids. It is in our best interest to keep on top of things. There is a small stack of pallets and there are a lot of tires stacked up and we aren't sure why. There is no money in storing cars over night or junk. I believe the building is approximately 1/2 mile from highway 91 and a feed lot is run off that road as well. The intent of moving back there is to slow our life down. The hours of operation where we are now are 8- 6.

Ms. Haddock we have a container in our shop now that all the oil goes into to burn. Usually we have to go find oil from somewhere else to fill it to burn.

Mr. Deheck if they are burning stuff, now we are talking about air control and quality.

Ms. Haddock it is EPA controlled.

Mr. Haddock it will burn clean fuel, but it is made to burn waste oil. This building does now have a propane heater.

Runhaar under condition 4 we should consider adding that the minimum fencing be adequate to conceal all the vehicles. Then maybe a discussion of adding condition 6 that would be the applicant should provide a plan for fluid containment and spill prevention and condition 7 to indicate that no outdoor storage will be allowed other than what is acceptable under condition 4.

Larson why don't we be more specific with condition 6 and make to be a fluid contamination plan.

Staff and commission discussed the wording for conditions 6 and 7. Screening for conditions 4 was discussed.

Larson there seems to be a problem with abandoned cars when it comes to auto shops. How do you handle abandoned vehicles?

Mr. Haddock we either usually load the vehicle on a trailer and deliver it to their home or use a wrecker service.

Larson how do you handle vehicles that repairs have been made on?

Mr. Haddock even if they say they cannot afford the repair, we deliver the vehicle to their home.

Ms. Haddock in the 9 years we have been doing this, we have only had that happen once or twice.

Staff and commission discussed spot zoning and how conditional use permits affect zoning. The process for denying a conditional use permit was discussed. There needs to be an immitigable reason to deny a conditional use permit. If the conditional use permit was denied the applicant could appeal to the Board of Adjustments. Staff and commission discussed what was permitted in the agricultural zone and the reasons to allow and not allow the business.

Findings of fact:

1. The Cove Auto 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 Cove Auto 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 Cove Auto conditional use permit is issued in conformance with the Standards and Criteria for a Permitted Use within Title 17 of the Cache County Code.
4. Cannibal 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.

Conditions of approval

The following stipulations must be met for the development to conform to the County Ordinance and the requirements of county service providers, and for the protection of the public interest and adjacent properties.

1. Access shall meet the maximum 30' wide requirement to be in conformance to the Cache County Code.
2. Any expansion of the approved conditional use or alteration of the master plan shall require review and approval by the appropriate Land Use Authority prior to the expansion.
3. The applicant shall reaffirm the County's right-of-way of 33' from the centerline of the road across the entire frontage of the property.
4. The applicant shall not have more than 10 overnight vehicles parked on-site. These overnight vehicles shall be placed within the concealed area as designated within the site plan.
5. The applicant shall meet the specifications as set forth in the small business standards as defined in chapter 17.21 of the Cache County Code. The applicant is subject to the following standards:
 - a. It will not unduly interfere with or adversely impact adjacent property owners; specifically the appearance, traffic, and operations arising from the small business are consistent with the agricultural zone; and
 - b. Outside storage shall be adequately screened; and
 - 1) Minimum screening shall be approved by the Cache County Zoning Administrator and shall be adequate to conceal all storage; and
 - c. There is adequate parking for business vehicles and visitors; and
 - d. It does not and will not have more than three (3) employees (FTE) equivalent in addition to those persons residing on the subject lot; and
 - e. It will be conducted generally between the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M., Monday through Friday; and
 - f. It will comply with all federal, state, and county codes and regulations, including business license regulations; and
 - g. Handicapped persons may obtain a waiver of standards as necessary through the zoning administrator to allow such persons to become self-sufficient; and
 - h. Business licenses and zoning approval may be reviewed and revoked upon valid unresolved complaints; and
 - i. Inspections by county officials may occur, as necessary, to test conformance with these regulations. (Ord. 2004-13, 8-24-2004)
6. The applicant shall provide a hazardous fluids containment plan.

Erickson motioned for approval of Cove Auto's Conditional Use Permit with the following changes be that condition number 4 have the addition of 10 cars, a fence and that a fluid containment plan be added as a condition and that 5b state that outdoor storage will be adequately screened and that the business hours be reduced to 8 am to 6 pm; *Larson* seconded; **Passed 4, 1 (Nebeker voted no).**

7:34:00

#6 Cheryl Pinder Conditional Use Permit (Cheryl Pinder)

Runhaar reviewed Ms. Cheryl Pinder's request for a conditional use permit for a small business to allow semi-trucks to park on 2.60 acres of property in the Agricultural Zone located at approximately 3703 West 600 South, Young Ward. There is a building currently located on the property and the site is currently in use for the business. The access will be formalized and the applicant is proposing to build a home on site so they would be in compliance with the small business ordinance. The lot has been expanded from the previous application. There will still be the limitation of 3 employees as stated by the ordinance. The business has been reduced in size to meet the ordinance requirements.

Sands the Pinder's do cut my hay and I pay them to do that. I am not a participant in this business, but can see it from my living room window.

Staff and commission discussed what is permitted under the use chart.

Erickson I know we approved a site with a home a couple months ago. Are you going to abandon that?

Mr. Pinder no, that will go to my boy. It's the only thing I can do and retain the business and comply with the ordinance. We didn't know that if we hauled one other thing than agriculture you're out of compliance.

Mrs. Pinder the other thing is that we run our agriculture out of this. We are going to have to stop hauling out grain and hay after 10 pm at night? We use our trucks to haul our own grain and hay.

Ellis no, as long as it is your grain and hay. We do not regulate agriculture.

Runhaar we do not regulate plowing and harvesting.

Mr. Pinder to clarify because we do haul agriculture for other people, you do not regulate agriculture hauling?

Runhaar right.

Sands you are only expecting one or two trucks a day?

Ms. Pinder they are gone for a week at a time. They are hauling grain, hay, and cutting fields.

Sue Zollinger I own 60 acres on Mendon road about ¼ west. Slag is not an agriculture product, correct? It is a byproduct of Nucor Steel.

Sands the purpose of the conditional use permit is for commercial hauling.

Ms. Zollinger correct, but it is not an agriculture product which is what can be hauled early hours, etc.

Erickson slag is a gravel product used for road base, etc.

Ellis is there other products you are concerned about?

Ms. Zollinger before the meeting I checked the definitions section and it stated that agriculture products. It doesn't list gravel products either for concrete or gravel even for agricultural uses.

Runhaar if it is for personal use, then there shouldn't be a problem. But, if it is being hauled for other reasons, it is a commercial product.

Ms. Zollinger in the letter of intent it talks about parking trucks and trailers. Can he now service trucks in that building?

Runhaar they are working on meeting the needed requirements to service and maintain the trucks.

Ms. Zollinger so is that what we are approving? It seems to me that we are getting beyond the definition of small business. If we are running a commercial trucking business out of the agriculture, then it should be a no. Is he getting...?

Larson I don't know any property where you couldn't do repairs on your own vehicle. There is a difference between repairing your own vehicles and repairing other people's vehicles. I think that is the difference.

Runhaar if they were bringing in third party vehicles, then it would not be allowed. But, they are just repairing their own vehicles.

Ms. Zollinger is that regulated by the EPA as well? Because that drains left to right and the surrounding property is all irrigated and it drains into a nature preserve and that concerns me. Also, are they going to fuel the trucks there?

Ms. Pinder there might be fuel for the farm, but not the business. We cannot use farm fuel for the trucks. I don't want to deal with all the hassle of that.

Ms. Zollinger back to the wholesale goods storage. Can he store his hauls on site? My concern is what is being hauled on Mendon road. The other thing is that this is the first commercial business that is being allowed on Mendon road. Three rivers that cross Mendon road and there are residential neighborhoods on both ends and lots of people use the road for recreation.

Larson motioned to extend the discussion for item #6 until 8:20; **Erickson** seconded; **Passed 5, 0.**

Bruce Bishop I live in the Mendon Area. It seems to me that mostly you consider onsite issues when you issue these permits. I hope you also consider the impact on the road structure when you issue permits. In reference to Mendon Road, it is narrow and buses use it to move children to and from schools. Many people use the road for recreation and the road itself is in poor shape. I think frequent use by heavy trucks is not good for the road. This area is also prone to heavy winter fog and I think trucks going in and out during the fog are a big concern.

Leslie Mascaro the engineers did look at this road and the road is adequate for the particular use. The only item that the engineer has is that if there was a locked gate it should be offset.

Larson when the engineer was reviewing the road was it for the base, for travel?; what all was being reviewed?

Ms. Mascaro he reviewed everything. When he was reviewing the road, it was being reviewed for a rezone.

Runhaar there is too much other volume on the road at this time to determine the impact from just the trucks.

John Riviera I am a resident on this road and live about 150 yards away. Richard Mueller was here, but had to leave, he wanted me to comment that the Autobahn society strongly objects to this. Secondly, you should have on hand a letter from Bryan Dixon who represents several wild life groups in the valley and they are completely against this. We have lived in the area for two years and were surprised when some slag was being laid down and then say the holes being dug and the foundation being dug. We thought the building was for agricultural use and then found out it was for a trucking business. I have seen trucks in and out of the property other than on Sunday and Friday. They also have been there after 10 o'clock pm and seen the lights on. More and more is being expanded and this decision will set a precedent. I would invite you to consider what they impact will be for the residents there and not just one entity. We have already been told by a realtor that this will impact our home values. We don't want to cause ill feelings but I think what we need to have some understanding of that is going to happen.

Mr. Lamar Clements I want to mention to you folks that agriculture is very difficult to make a living. Grain prices are down about \$4.50 a barrel. People who live out in the agricultural zone need alternative ways to make a living. Trucking is an integral part of agriculture. The agricultural is not a residential zone, but a working zone. You need other sideline businesses to support yourself. You cannot make a living on just agriculture alone.

Sally Bishop we live on agriculture land in Mendon. I would like to see you table this and reconsider this and consider all the other users of the Mendon Road. I think the trucks can create a dangerous situation. I hope if you have any conflict of interests I hope you would abstain from the vote.

Larson I realize the engineers have looked at this. It is difficult that the use makes it different and distinct. To open it up to a commercial use is opening it up to all kinds of new things. At least an agricultural use is limited. To permit any type of use beyond agriculture, to me, just expands and extends the use then what was original thought. It is a very high use, narrow, dangerous road. I'm finding it hard to commit one way or another on this one.

Sands I appreciate the difficult nature of this. The commission, when this originally came up late last year, was looking at a zoning change. I don't think the commission would be comfortable with any commercial use on Mendon Road. The conditional use allows us to limit the amount activities there, allows us to mitigate sight and sounds that go on there. It sounds to

me like the amount of truck traffic from this particular property would be less than what it is living next to a dairy that I see. There is plenty of truck traffic in this area.

Larson motioned to extend the discussion from item #6 to hear the commissioners comments; passed 5, 0

Staff and commission discussed what the applicant may haul.

Nebeker motioned to continue Item #6 to August meeting; Larson seconded; Passed 4, 1 (Erickson opposed).

8:31:00

#7 Black Ridge Farms Conditional Use Permit (Lynn & Tama Mathews)

Runhaar reviewed Lynn & Tama Mathews request for an expansion of an existing conditional use permit to allow for the construction for additional buildings on 22.90 acres of property in the Agricultural Zone located at approximately 200 East 6400 South, South of Hyrum. Staff has heard from Hyrum City and they have no concerns other than odor.

Staff and commission discussed if mink were actually an agricultural use and the process of retiring the conditional use permit.

Erickson do you commercially render other people's mink?

Mr. Mathews yes and that is on the original conditional use permit. I don't think the permit needed; they changed it years ago that mink is an accepted agricultural use.

Linton since this conditional use permit was acquired, the ordinances have changed. While the new ordinance doesn't specifically address mink, it does address similar animals and we could use those standards.

Nebeker motioned to extend the meeting to 9:10; Larson seconded; Passed 5, 0.

Joe Chambers I have been asked by some of the neighbors have asked me to talk on their behalf. Our concern, and we ask the planning commission and staff to get more information, but we believe that there are three businesses actually being run out of there. They have admitted that they do have a pelting business, and we believe that they are operating a feed business for third parties. Their tax returns can show you what they exactly are doing. They have shown a tendency to operate whatever they want to without going through the proper authority. They either need to buy the land that their buildings are on or tear the building down. By ignoring the setbacks and building the buildings without going through the proper channels, my clients haven't been given an opportunity to participate. They are burning stuff out there and whatever they are burning is toxic and it hurts the eyes and lungs of the neighbors. I think we would like the opportunity to submit commitments in writing.

Cory Neilson We own half of that road and I think it should be surveyed before a decision is made on here. The county doesn't even own the road according to the county clerk's office. By building so close to our property lines they control 500 feet of our property.

Kayla Nielson I have been waiting 20 years to talk about this issue. I raised my children out there and my family has owned the land out there for generations. We follow the ordinances on our buildings and it gets frustrated when our neighbors don't. We can't have lights out there. They built too close the fence so we can't have a yard light unless we want to pay legal fees. There are armed and unarmed patrols out there in order to control the animal terrorists. We are stopped and questioned on our own property. We have numerous issues with this. I can go on about the county road. They are burning materials out there and I would like them to stop. My lungs burn, my eyes water and I can't take my grandkids out there. If they want to be out there I just wish they would try and be decent neighbors and try to follow the law.

Mr. Mathews I have tried to be a good neighbor. The burning, when you dry mink on a board there is a slip of paper that goes on the board and that is what we are burning. As far as the feeding, we have a trucking company that brings in the bedding and out neighbor comes and gets a couple truckloads.

Nebeker there are several people that have concerns and you can argue on the legitimacy on the concerns. This is a venue to settle those concerns and this is not it.

Larson motioned to carry the item #7 up to 90 days; Erickson seconded; Passed 5, 0.

Erickson motioned to extend the meeting for 10 minutes; Larson seconded; Passed 5, 0.

9:15:00

Public Hearing

Larson motioned to open the hearing; Erickson seconded; Passed 5, 0.

Runhaar reviewed Titles 12, 16, 17.02.

Mr. Lamar Clements My point is that many years ago Lynn Lemon encouraged the adoption of standards. I object to the government telling people where they can live. The whole premise of this is to subject the people to oppressive standards. We don't need to urbanize the county because some people on the County Council are activists. I view this as a suppression of individual rights and I think it goes in the direction of turning the citizens in this county into peons. The very premise of this I find very disgusting.

Runhaar there will be a review board with Lynn Lemon and the Roads Superintendent.

Larson are you objecting to the planning commission have the power to set standards?

Mr. Clements I'm objecting to the premise of this.

Larson what would be the alternative?

Mr. Clements my opinion is that you have a road plan now is sufficient.

Larson tonight we aren't really getting into the detail, but into who is going to administer the standards whatever they might be. We are not in the substance of it but in how the format of the standards will be adopted.

Mr. Clements I'm on the political side of it, but also on the format at it.

Ellis what is your opinion on what we should do?

Mr. Clements you should tread lightly. The planning commission should recommend not require.

Nebeker I believe Mr. Clements brings up some applicable points. I think we should take into account the notion that he has presented. The points he is making should be well taken and we should be thinking about those as we go forward.

Ellis one thing I might suggest is that the language is still being formulated. To some degree this public hearing is a little premature. At some point if that goes through then we will look at the actual road standards and discuss them.

Mr. Clements I want clarification of what standards are going to apply to county roads and what standards are going to apply to private roads. I want it spelled out very well. If you go to page 5 it says all roadways. There are a lot of things I would like to go over when you have more time.

Nebeker motioned to close the public hearing; Larson seconded; Passed 5, 0.

Larson is it appropriate tonight then to make a motion that we give ourselves the authority to decide on this? Do we need to send a recommendation tonight?

Runhaar I would recommend a motion on the ordinance language that is being presented tonight, so that Council can take action at their next public hearing.

Larson motioned to recommend to the Council to consolidate the various road standards that currently exist within the County code and adopt in principle the recommended edits to Titles 12, 16, and 17.02, as presented, with the removal of specific details that have yet to be determined within the proposed Road Standard; Nebeker seconded;

Larson motioned to amend; Nebeker seconded; Passed 5, 0.

Larson's first motion Passed 5, 0.

9:55:00

Adjourned