

Cache County Planning Commission

Minutes for 07 July, 2011

Present: Chris Harrild, Josh Runhaar, Chris Sands, Phillip Olsen, Clair Ellis, Leslie Larson, Jon White, David Erickson

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

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

5:33:00

Agenda

Approved.

Minutes

June 2, 2011 - approved.

5:36:00

Consent Agenda

#1 Stump Hollow Subdivision (Jon Asay)

Mr. Jon Asay is requesting a recommendation of approval to the County Council for a 2-lot subdivision on 97.55 acres of property in the FR-40 Zone located at approximately 1/2 mile east of Beaver Mountain in Logan Canyon, continued from June 2, 2011 meeting.

FINDINGS OF FACT

1. The Stump Hollow 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 Stump Hollow 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 Stump Hollow 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 Stump Hollow Subdivision 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 conditions 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. The public access and fire protection for all buildable lots shall meet the requirements of the 2009 International Fire Code, minimum County standards, and any other applicable codes, and shall also require further review and approval by the Cache County Fire District prior to any construction.

3. Before installation of an on-site septic tank system, a septic permit shall be obtained from, and the applicant shall submit to all other requirements of, the Bear River Health Department.

#2 Cutler View Subdivision (Brian Lyon)

Mr. Brian Lyon is requesting a recommendation for approval to the County Council for a 2-lot subdivision and boundary line adjustment on 93.42 acres of property in the Agricultural Zone located at approximately 7000 west 6600 North, west of Newton.

FINDINGS OF FACT

1. The Cutler View 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 Cutler View 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 Cutler View 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 Cutler View Subdivision 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 conditions 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 subdivision.
3. All lots shall provide sufficient shoulder space for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane.
4. The driveway shall meet all applicable requirements of the 2009 International Fire Code and any other applicable codes as adopted by Cache County. Any driveway that may extend 150 feet or greater in length shall be a 20' all-weather surface with an approved turnaround constructed at the end thereof.
5. An encroachment permit must be obtained for any work within the Cache County right-of-way.
6. The applicant shall reaffirm Cache County's 33' right-of-way for the county roads 7000 West and 7000 North along the boundary of parcel ID#'s 13-029-0001 and 13-031-0002.

Larson motioned to approve the consent agenda; Sands seconded; Passed 4, 0.

Public Hearing

5:38 - David Erickson Arrived

5:39

#3 Logan City Landfill Rezone

Harrild reviewed Mr. Issa A. Hamud's request for a recommendation of approval to the County Council for a rezone of 520.79 acres from the Agricultural Zone to the Public Infrastructure Overlay Zone located

north of Clarkston along Stink Creek Road. This would be a landfill for the future and a Conditional Use Permit (CUP) will be needed. The purpose of the Public Infrastructure Overlay is for any public infrastructure that serves a large volume of residents. The language for this ordinance states what is required for those who approach the county for a public infrastructure overlay rezone and allows us to decide if the location is suitable for the use they are applying for and requires certain studies and applications to be submitted as well. One of the first things looked at was the closeness of residential structures and the nearest house is 3 1/2 miles. The site will serve as a final destination of waste from Cache Valley residents. The trucks would run as they do now and take trash to the Logan City Landfill and that trash would be packaged and transferred to this site. This transfer site will be receiving between 15 to 16 semi trucks per day. There was a study done to identify suitable locations for this type of facility. The out of county option discussed would be in Box Elder County, but no agreement has been made. Staff does support the findings made by this study and support that the proposed site is the most suitable.

Runhaar we did drive out to this site and there is a ridgeline that hides most of the facility. We also pulled in our source water protection map and you can see the site is up north of this area and the nearest source of water is 3 miles away.

Staff and Planning Commission discussed item #3. Staff finds it is the best option and supports the findings that the original study found. The road currently does not meet the standards needed for that many trips per day, but the road would be brought up to and likely exceed Cache County standards. Staff and the Commission read the findings from the original study. A portion of the land is dry farmed. Currently, Weston, ID has not been notified of the plans for the landfill because they are not within the required notice area and they are across the border, but Franklin County is aware of the landfill. If there is another wet year there could be some problems with drainage and those will have to be addressed in the CUP stage, as well as any other water issues.

Erickson** motioned to open the discussion to public comment for 5 minutes per person; **Olsen** seconded; **Passed 5, 0.

***Larson** motioned to amend the previous motion to 2 minutes per person; failed.*

Clair Christiansen I am adjacent to this piece of property on 3 sides and I received no notification regarding this. There is no county road access through here presently. There has been talk about an agreement with Box Elder County and they are not totally against this. I am trying to understand this rezone. If we wanted to have an agricultural area in the middle of Logan, it wouldn't be allowed, but they want this landfill in the middle of the Agricultural Zone. There seems to be a lot of hazards regarding this new road and people coming on and off and there is no county road here according to the Plat maps. This is going to impact the wildlife and a lot of things. There are golden eagles in this area and I wonder how that fits in. We are concerned with the no winter access. There is approximately a 5 to 10 mile difference between this site and Box Elder. We feel the original study was skewed because the commission didn't go look at the sites until it was down to the final 3 and they were all in the northwest of the county. This seems ridiculous to create this when Box Elder could use the volume and has 200 years of volume. I don't see why the county can't break away from Logan City and go with Box Elder.

Tyler Godfrey I agree with Clair's comments. I did contact Gina Allen with the Box Elder Landfill and she intimated that they are eager to work out an agreement to accept this trash. Logan City is only willing to use a landfill that they have ownership in and they cannot have ownership in the Box Elder landfill. The distance between the proposed site and Box Elder is minimal and the cost difference is going to be offset by the money that would be needed to plow the road. Also you are going to have to improve that road. Rates are going to go up no matter what. There are a lot of us here who live along the streets these trucks would travel and many of us have young children and would be affected. Just because it is cheaper for Logan City to justify it near Clarkston, doesn't mean it is cheaper for the County. I don't know how you spend \$20 million and say it is cheaper.

Ellis we've had two people comment on the Box Elder option, and that is out of the scope of the Planning Commission with a rezone.

Mr. Godfrey if you change the zoning now, it opens the door and we feel this is the wrong use for this land.

Van Henderson I own property adjacent to the proposed site. I did contact Box Elder County regarding this and they are open to a relationship with the County. A lot of us in Clarkston have been there for a long time. This land is where we live and recreate. If the people of Cache Valley allow Logan City to throw a landfill down our throats you are going to ruin a small community that we love very much. The road that you are proposing to use is one block away from the amphitheater where the LDS Church holds the Martin Harris Pageant. That road has many children on it who use it every day. If you put semis on that road you are going to have someone killed. The road won't handle it and I know they can do all kinds of work on it, but it won't handle it. There was a well dug in the early '70s out on Mr. Christiansen's property and that well was found to be an underground river that is on the west side of the mentioned ridge. You also have Big Creek out there and who knows what will go into that river. I want to know how Logan City, with Tax payer's money, is coming out to do this.

Michelle Butters I am the first homeowner that you come to on the road, and live closest to this site that is being proposed to be used. I have 3 little children and there are many more that live on this road. When can we discuss the Box Elder option?

Runhaar we don't address that issue because this is a land use issue.

Ellis I imagine Logan City Council will have a hearing.

Ms. Butters the water analysis hasn't been done to the north of this area and there is water there. You mention that this is remote and out of sight, but it isn't. There are many people who farm and recreate around there. Also, I've seen many rats and seagulls and animals that come with a landfill. I also wonder what is going to happen with the wildlife that is currently on this site. Are the animals going to be pushed out? You also mention the highway and we are really concerned with that. We also would like Weston to be informed of this. You also have the Pageant that is located near here and there are thousands of people who come every year and this will affect that. Also the snow plows cannot keep up with it when the wind blows now.

Dave Curtis I live out here. They can't keep the road clear between Newton and here during storms. My concern is for the land. In that exact spot we hunt deer, doves, and other things right there. Where are

those animals going to go when this landfill comes in? Between the first house on that road and Michelle's house there are easily 50 kids that live on that road, not including those kids who visit grandparents. How are you going to keep those trucks going 25 mph when you can't even keep cars from speeding? When you have the pageant out there, the traffic is crazy. Why not try and go north through Weston? The way of life that is out there currently will be destroyed.

Heidi Hodgson I live in Newton and we've been involved with this from the beginning. When the environmental study was done, they came to our towns and the feeling then was negative and it still is negative. There is much more studying that needs to be done from the county side, not Logan City's side. We do not have to be bound by what is best for Logan City. The rezone is for 520.79 acres, Disney land is only 100 acres. That is 5 times larger than Disney Land. This area that is being rezoned is pristine and we can see some of the same things that the pioneers did. If Box Elder had come to us the way Logan City did to participate in something here in the County we would be negative towards it too. The study was paid for by Logan City, not Cache County, and that is a conflict of interest. The study states that the assumptions made will need to be verified by subsequent field work. There is other studying that needs to be done, for example with the water. When the engineer from HDR came out there and did a cursory study of the land in October, it was a one day study; the animals were not migrating at that time. The impact of this rezone would be negative and we ask that you not rezone this area without more studying from the County side, not Logan City.

Camden Godfrey when it comes to landfills everyone says "not in my backyard". I fear because this keeps being talked about for Clarkston that people in the county are going to sleep because they don't need to think about it. Everyone should be worried about this. The proposed road, if they go around Clarkston, is \$8-10 million. There was an article in the newspaper estimating the cost of this site at around \$20 million to build. Who is going to pay for that? Logan City does make a lot of money on the landfill. But when that money runs out the residents of the county are going to be paying that bill. I talked to a UDOT official and he stated that the road between Newton to Clarkston is the most expensive road in Northern UT to maintain in the winter and the road between Clarkston and this proposed site for this landfill is worse. I've talked to Issa about that and he mentioned that they would buy the equipment to maintain that road, but that isn't free and those added costs will be passed on to the county residents.

Rosemary Christiansen I brought some pictures of the area for you to look at. The reason this is remote is by design and we don't want a new road out there. The people that did the impact study haven't really seen this area. Do you think they had the information regarding the animal's migration patterns? This is our backyard and does impact us all. The Box Elder facility is open year round and is a very viable option.

Kyle Segmiller this proposed road will go right by my house and I am concerned about the traffic that will come. I'm also concerned with why Logan City gets to pick where this goes. Compare the traffic between the landfill currently and what would be coming between Clarkston, Newton, and Cache Junction. 200 North is a main artery for the county and the added truck traffic between Box Elder and the current landfill wouldn't make that much difference. When I moved out to Clarkson this was supposed to be going to Box Elder and then I find out they have purchased all this land out by my home.

Robert Dalley I reside in Clarkston. I would like to comment on a statement on that Mr. Ellis and Mr. Harrild made. We've talked about the studies that Logan has done. No mention was made of the route

that has unofficially been made. You made the statement that the purpose of this meeting is to make a determination of whether this site should be rezoned? That is a yes or no decision. I appreciate that you have listened to our comments but how can you decide that without our comments?

Annette Summers I would like to talk in support to this land remaining agriculture. I've read many histories that have stated that this area is the bread basket of the west and would like to see it remain that way.

Darrel Gibbons I represent Logan City in this discussion. I have sat on the Solid Waste Board since 1994. There was a citizen's advisory board for this issue and they study the findings of fact from the firm that did the study. There was also an advisory board made up of elected officials that reviewed this. When all the information was presented to the Board of Trustees for Service District 1, they all felt comfortable with this site for this project. First of all let me address the Box Elder issue. I have sat on the board for the Northern Utah Landfills. We have worked for several years with Box Elder to have our waste taken there and it was agreed upon. However, the citizens in Box Elder voted on referendum that overturned that agreement. Box Elder County would be willing to work with Cache County only for the trash to be taken there. However, to make the rates low enough for that option to work, it needs to be a multiple county agreement. So we decided on this option. Many of us on the board of Trustees at the time and on the advisory board felt it was appropriate for Logan City to go forward and purchase the land so that we would have greater bargaining power for another entity to take our trash. Based on the study this land was purchased as the prime site. I personally would hope we could come to an agreement with Box Elder but it hasn't worked. You need to understand that the current landfill services 80% of the trash around it within a 5 mile radius. Many of the roads that the trucks currently use are residential roads and there are many children on those roads. I would suggest that the studies have been done and are accurate.

Brandon Butters the garbage that has gone on Logan's streets is from Logan, not the surrounding area.

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

Staff and Planning Commission discussed the size of the proposed rezone. Currently the rezone encompasses more land than what is needed for the landfill. The Commission can rezone a smaller amount of property if they wanted. The commission did ask about the landfill affecting surrounding property owners, but in the State of Utah that is not typically considered unless there is empirical proof. Stink Creek Road is a county road and has a 66 foot wide right of way. Concerns about the amount of trips on the road per day and the needed improvements was discussed

Sands I would like to hear more from Mr. Gibbons.

Ellis a couple of things regarding the water shed.

Mr. Gibbons the HDR study did address that. An engineering firm did go out and drill a few test wells and water was struck at about 65 to 70 feet. The ground water is moving in a direction away from Clarkston.

Ellis can the landfill be built around the stream?

Mr. Gibbons the current landfill is built on an artesian spring.

Sands Logan City is the land owner, but they are doing this representing the entire county, correct?

Mr. Gibbons Logan City contracts with Service Area 1, which encompasses the entire county, and so this is a benefit for the entire county.

Sands how much land do they actually need for the landfill?

Mr. Gibbons the area needed for the actual landfill will be significantly smaller. They bought enough land to give them a significant buffer and to work with the footprint of the land.

Sands do they need the entire area rezoned?

Mr. Gibbons I think Logan City's thinking was that they own all the property and so they should request to have it all rezoned.

Ellis do you know the projection of the size for the landfill and the buffer zone?

Mr. Gibbons I would think about 100 acres. The expected lifetime of this landfill is expected to be 100 years.

Harrild in discussions with Issa, they indicated that they would work in 5 acre parcels. So it is much more easily contained and if there is an issue it would be easier to deal with.

Runhaar the existing landfill is about 85 acres of land and through the permitting process it has to be considered as one area. That is not the best way to operate a landfill and here they would be able to operate it more easily in the 5 acre parcels.

Larson does this kind of zone require a fence or is that part of the CUP process?

Runhaar that is part of the CUP process.

Erickson what is the difference between the black area and the red area noted on the map?

Runhaar the land fill would operate with in the black outlined area. The red area was part of the HDR study.

Mr. Gibbons there is one parcel that is out there in this area that isn't owned by Logan City.

Erickson so this will affect his property.

Ellis If we do want to cut back on the area that is rezoned, how do we do that? Do we go through the council or the applicant?

Runhaar we would go back to the applicant and talk with them.

Erickson motioned to continue up to 90 days; Larson seconded; Passed 5, 0.

7:44:00

#4 Lofthouse Subdivision (Rusty Eskelson)

Mr. Rusty Eskelson is requesting a recommendation of approval to the County Council for an additional 3 lots in an existing 2-lot subdivision formerly called the Wengreen Farm Subdivision amended on 55.21 acres of property in the Agricultural Zone located at approximately 25 East 10700 South (West Canyon Road), Avon and continued from June 2, 2011.

Sands motioned to continue up to 90 days; Erickson seconded; Passed 5, 0.

7:46:00

#5 AA Access Storage Units (Kelly Johnson)

Harrild Mr. Kelly Johnson's request for an approval of a Conditional Use Permit (CUP) to allow storage units on 8.88 acres of property in the Agricultural Zone located at approximately 501 West 4600 North, Smithfield. The initial proposal included 3 phases that would encompass 6 buildings and would fall under urban development. In discussion with the applicant about what urban development would encompass, they have decided to restrict that to 2 buildings. Staff isn't in favor of storage units in the Ag Zone, but our ordinance allows it. We have included Smithfield's comments and they don't feel it is an appropriate use of the land. In regards to access and service provisions, there aren't any large issues. They will have to install a culvert on the side of the road for access. There isn't enough water in this area for fire suppressant, but the applicant has agreed to provide storage for water.

White is this in Smithfield's declaration of annexation area?

Harrild it is.

Erickson so if Smithfield annexes this, storage units would not be permitted in this area?

Harrild correct.

Staff and Planning Commission discussed where Smithfield would allow storage units. Also, in Smithfield's long range plan this area is intended to be kept as agricultural.

Scott I'm the contractor and representing Kelly. We did have a CUP before, but after the economy went south, he had problems with money and the CUP expired. Kelly actually lives in California and owns other storage units in Logan. I've talked to Smithfield City and they just don't want it here. We are putting our own water source in and we know how much water is required. It originally was one long building, but we decided to put a row in between to make it easier for fire trucks.

Sands if you aren't going to be doing future phases, is it better to put the buildings closer to the road?

Scott that could be done and would be probably better. This is the original plan with the other two phases chopped off.

Staff and Planning Commission discussed item 5. Storage units were originally approved in this area back in late 2007 or early 2008 under Curtis Knight and Armor Storage. While it would be better to try and consolidate the storage units to one area, the project would then fall under Urban Development and would have to go through County Council and the applicant doesn't want to do that. While Smithfield doesn't

want these storage units where they are planned for, the reasons given cannot be mitigated. Also the property is within the airport overlay zone. The airport landing strip is in direct line with this property and there are a lot of FAA restrictions regarding the buildings that can go in this area.

Larson motioned to extend to 8:15; Olsen seconded; Passed 5, 0.

Erickson what is the water source?

Scott the water source is going to be above ground. We are going to be bringing in some containers to gravity feed some fire hydrants. The tanks will initially be filled from a truck from Johnson's.

If this project is approved, the applicant can redesign the way the buildings lay. As long as the changes are not considered a major overhaul, staff would be able to approve it at that time. The commission has asked that some sort of screening be required.

Bob Ziff I am the first house west. I understand Leslie's concerns of why not to put there, but it's not your neighborhood, but mine. This is urban sprawl. This is in direct line with the airport and we don't want to deal with the issues that came with 4200 North. I built a garage that was not taller than 18 feet and it took me 92 days to get approval from the FAA and it actually came from Hill Air Force Base because it could affect their long range radar. I know that they probably have an agreement that the renters will have no hazardous or flammable items, but how do you really verify that? What happens if an airplane hits this? I'm also looking at the retention pond; is that lined? If it's not lined it will go right into Chamber Springs which is less than 700 feet below this. The project says that it is valued at \$450,000 to avoid the urban development. Within the cost that they have stated, I don't think they can pave, fence, bring power and water in that amount.

Erickson moved to extend to 8:25; Larson seconded; passed 5, 0.

Bob Ziff I am concerned about a berm and a fence around this. The plow comes through at about 44 miles an hour and blasts the snow about 20 feet off the road. If there is a barrier there then it will come back on to the road. I know they are bringing in water, but what about landscape? I don't want a lot of dead plants. I also don't want to look out there and see things that people have left. I'm concerned with outside storage. I'm sure they are trying to target the townhouses on the eastside of Main Street, if they crossover they are going to come down 200 west or 400 west and those roads are unpaved. This just doesn't seem compatible with the area with the airport and everything else.

A condition regarding a gate was asked for by the commission and that will also need to be looked at by the road engineer. While outside storage is worried about it isn't allowed with this mini-storage application.

Larson motioned to approve the application for the CUP with the noted conditions and an addition of screening along the main road and an engineer's review of the gate; Died for lack of a second

Olsen motioned to continue for 30 days; Erickson seconded; Passed 4, 0 (Larson abstained).

#6 Discussion - Section 17.07 - Definitions; Section 17.09 - Schedule of Zoning Uses

Continued until next meeting.