

Cache County Planning Commission

Minutes for 4 August, 2011

Present: Chris Harrild, Josh Runhaar, Phillip Olsen, Chris Allen, Clair Ellis, Leslie Larson, David Erickson, Lamont Godfrey, Don Linton, Megan Izatt

Start Time: 5:32 (Video time not shown on DVD)

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

5:33:00

Agenda

Approved.

Minutes

July 7, 2011 - approved.

5:35:00

Public Hearing

#1 Logan Little Mountain Communication Tower Rezone (Eric Woody)

Harrild reviewed Mr. Eric Woody's request for a recommendation of approval to the County Council to amend the zoning of a 50' X 50' leased area of a 160 acre parcel to include the Public Infrastructure Overlay Zone in addition to the Agricultural Zone, located on Little Mountain, West of Trenton. In 2005 there was a Conditional Use Permit (CUP) approved for this site, but only a 25' X 25' cement pad was completed and then the CUP lapsed. This is also located adjacent to an existing 911 tower on the same parcel. Access and water are adequate for this use.

Runhaar the specific tower will come back to you at a later date for a CUP.

Sands what is the proposed height?

Harrild 80 feet.

Sands we do have the ability to control the height of the tower?

Harrild it's an exception to the ordinance.

Erickson motioned to open the public hearing; Godfrey seconded; Passed 6, 0.

Ellis you've seen the proposed recommendation and the conditions, are there any questions.

Patti Brockman no it's pretty straight forward. But I do want to say that this tower is big enough for co-location.

Ellis what would that process be? Would it just be contracting between the companies?

Ms. Brockman between the companies and the landowner regarding access to the site.

Harrild it would also need to go through this body or the Development Services Office for any additional antennas or other expansion of what has been proposed.

Ellis when this comes back for CUP you can expect questions regarding the need for 80 feet.

Ms. Brockman our engineers would need to answer those.

Erickson** motioned to close the hearing; **Godfrey** seconded; **Passed 6, 0.

Erickson** motioned to recommend approval to the County Council for the Logan Little Mountain Communication Tower Rezone; **Larson** seconded; **Passed 6, 0.

FINDINGS OF FACT:

1. The locations of the subject properties are compatible with the purpose of the proposed Public Infrastructure (PI) Overlay Zone.
2. The subject properties are suitable for development within the Public Infrastructure (PI) Overlay Zone district without increasing the need for variances or special exceptions within this zone or the underlying Agricultural Zone.
3. The subject properties are suitable as a location for all permitted uses within the proposed Public Infrastructure (PI) Overlay Zone.
4. The subject properties when used for the permitted uses in the Public Infrastructure (PI) Overlay Zone would be compatible with the adjoining land uses.

CONDITIONS OF APPROVAL:

The following conditions must be met for the rezone to conform to the Cache County Ordinance and the requirements of county service providers.

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.
2. Current and future property owners must be aware that they will be subject to the sights, sounds, and smells associated with agricultural activities which are permitted uses in this agricultural zone.

5:45:00

Phillip Olsen arrives

#2 AA Access Storage Units Conditional Use Permit (Kelly & Gay Lynn Johnson)

Harrild reviewed Kelly and Gay Lynn Johnson's request for 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, and continued from the July 7, 2011 meeting. While staff isn't necessarily supportive of storage units in the Ag Zone, our ordinance does allow it, therefore staff is recommending approval.

Ellis there was a discussion last time that the buildings could be moved to side by side, is that possible if we approve this?

Runhaar as long as there are no major changes that can be approved by staff. Major changes would need to come back to the commission.

Kelly Johnson I already own two storage facilities and they are the newer modern facilities in the valley. There are no storage units that are less than 25 years old in Smithfield. Mine will be new, landscaped, and built to the modern codes. These will serve the community well and are not on the highway. There is a need for 24 hour access, clean, modern storage units in Smithfield.

Ellis did you look at locating within Smithfield?

Mr. Johnson yes and they are very reticent to allow them in the city because they have problems with the owner of the storage units that are within Smithfield now. Also, it would be hard to get land within city limits. Outside of city limits, they have no problem.

Ellis we do have a letter protesting these units.

Mr. Johnson yes because we have a contiguous border. If we didn't have that they would be fine with it.

Sands you were not here at are last meeting, but how do you feel about bringing both buildings down to the road?

Mr. Johnson I have no problems with that.

Erickson what is the water supply for fire suppression?

Mr. Johnson we discussed the water with the fire department and they require 26,000 gallons on site, but we will have 30,000 gallons stored in 6 containers above ground. There will be a fire hydrant in front of them and they are heated and won't freeze in the winter.

Bob Zipf last time we talked about Smithfield and I talked to the city. They are fine with storage units in the general commercial area and there is land available there. This is an Ag Zone and the CUP will allow them to put them there for a long time. The biggest problem I have is that this lines up with the runway. My concern is the height of this in relation to the new lights installed at the airport and the FAA is going to be heavily involved with this. Also, with the cost

that they have stated I don't think they can do it for that. This is also a little more than 3 blocks from main street. This site would be better located on the other side of the tracks. I don't think this is the right zone for this use and doesn't make good use of the land. I know County Council is going to look at this provision that allows mini storage in the Ag zone. He discussed the water supply, last month it was 50,000 gallons would be required. I also talked to Rod Hammer, and he stated the water can't be on the ground. We talked about the landscaping last time; the irrigation water doesn't work all year round. Also, with the security lighting the airport engineer is worried that it could confuse an airplane on approach. If he decides to put a second addition, which is very likely, he is going to hit the urban development requirements.

Harrild the FAA did issue a letter that stated there were no issues with what was previously proposed for that site. I don't know what problems there could be with lighting, staff can certainly check with the airport on that. If we do go back to Logan Regional Airport and they determine that there are significant changes since the letter was done, the applicant would have to meet that requirement to move forward.

Mr. Johnson as far as the FAA is concerned there was an application submitted in 2008 for a larger facility than this, and it was approved. As for the costs the engineer figured those. There are no plans to expand this and I have signed a letter stating that I won't expand or meet the \$750,000 limit defined by the Urban Development. As far as locating this on Main Street, there isn't enough land on Main Street for this. For water, 50,000 gallons would be correct for a larger facility. As far as the landscape dying, we would get eco-friendly landscape that didn't require water, or would hire a landscape person to water it. As far as the lighting, we will meet whatever requirements you state. We have modified the plan that would make it so it isn't urban development. This is readily accessible for people and a business that is supported by the FAA for this location.

Sands the lighting is full cut off lighting?

Mr. Johnson that is correct, it shines right down.

Sands if we include that as a condition it sounds like you are comfortable with that.

Mr. Johnson that is correct.

Larson motioned for approval for the AA Access Storage Units Conditional Use Permit with the stated conditions and findings of facts; Godfrey seconded;

Sands I would be interested in having a condition for dark sky lighting.

Sands motioned to amend the original motion for a 13th condition for dark sky compatible lighting; Larson; Passed 7, 0.

Original motion approved 6, 1 (Erickson nay)

FINDINGS OF FACT

1. The AA Access 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 and to conform to the requirements of Title 17 of the Cache County Code and the requirements of various departments and agencies.
2. The AA Access Conditional Use Permit is issued in conformance with the Standards and Criteria for a Conditional Use within Title 17 of the Cache County Code.

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. The applicant must abide by the site plan and construction specifications as submitted to the Cache County Zoning Office.
2. No site development shall be performed prior to issuance of this Conditional Use Permit and a building permit.
3. Any expansion of the approved conditional use or alteration of the master plan shall require review and approval by the Cache County Planning Commission prior to the expansion.
4. Future development of this site will be considered a phase of this development and may be considered urban development as defined in §10-2-401 U.C.A. As such the development will be subject to all State regulations pertaining to urban development.
5. Prior to issuance of a building permit, the County Fire Department will require a plan review of the structures and site.
6. Proper storm water detention facilities are required to prevent increased flow onto adjoining properties. These facilities will be reviewed by the County Engineer for compliance and adequacy. The cost of such review shall be paid by the proponent.
7. The applicant shall reaffirm Cache County's 33' right-of-way for the county road across the entire frontage of 4600 North.
8. All accesses to this property shall not exceed a combined total width of 30 feet.
9. An encroachment permit must be obtained for any work within the Cache County right-of-way.
10. If access to the storage units is gated then the gate must be set back a sufficient distance from the roadway to provide adequate space for customers to park outside the gate, wholly outside the county right of way, to ensure the safety of all motor vehicles traveling along 4600 North.
11. Screening of the storage units shall be provided along 4600 North. A landscape plan for the proposed screening shall be submitted to the Development Services Office and approved by the Cache County Zoning Administrator.
12. The applicant shall file FAA Form 7460-1 with the Airport Authority to determine any negative impacts on the airport or its approaches, and a copy of the determination must be filed with the Development Services Department.
13. All lighting on the property shall be Dark Sky compliant.

6:08:00

#3 Beaver Creek Lodge Master Plan (Bryan & Helen Lundahl)

Harrild reviewed Bryan and Helen Lundahl's request for approval for a CUP to allow the expansion of the existing Beaver Creek Lodge Master Plan CUP to include horse stalls, an arena, a storage building, a water tank, and a second rental cabin on 51.89 acres of property in the FR-40 Zone located in Logan Canyon. This will be done in phases. The first phase would be the arena, then horse stalls, the second would be the storage building and water tank, and the third would be the cabin. Currently there is an existing rental cabin, water tank, and a sign that shows where the entrance is to the property. Staff is recommending approval.

Runhaar the sign is currently 9 X 7 which is larger than we legally allow and is currently an illegal non-conforming sign; they are looking at modifying the sign. They would bring it closer to the ground and make it more conforming.

David Bell myself and Keith Christensen represent the Lundahl's on this. We have walked the land and researched extensively for this project. This has been in existence since '94 and there currently are 12 guest rooms. They have horseback riding, snowmobiling, do family reunions, and all sorts of group activities. They would like to become a greater equestrian destination with horsemanship clinics, extended trail rides, private horse boarding service and facilities, and more lodging. The issues are soils, slopes, visibility, building zones, etc. It is a beautiful landscape and is surrounded by private land on 3 sides and the other side is forest service land. They have only developed in the flat areas around there and are planning to stay in that zone. The soil is fairly deep and will handle the sewer situation very well and there are no real concerns for build ability regarding the soil. The areas on the map in red represent areas that are not visible; the other areas are visible. As you come up the road from Garden City you can see the lodge, but it fits with the surrounding area very well. In order to get the water pressure needed for firefighting we need to be in the green line that is marked on the map. There are some alternative locations for the water tank. One is to put it in a tank up the slope or to put it in a water tower. This isn't going to happen for a couple of years, but we want all the questions answered now. The existing water tank is marked on the map and the well is down farther on the map. Water is pumped up from the well and gravity fed to the tank. The master plan shows the new lodging facility which would be a 24 unit facility. That is double the size of the current lodge, but the footprint isn't that big. It will be a double loaded building with a hallway and rooms coming off both sides. It will not be a longer building than what is currently there. It would also be about the same height as the current building. The owners want the architecture to be almost identical to the current building. The open horse barn that is being proposed will be back into the trees and will be located in a clearing that is already there. It will have a roof, but will be open-sided. The little building to the north is the storage/maintenance building. Right now there is nowhere to store maintenance equipment and this will help with that. There will be a couple of hot tub locations; one will be on the north end of the proposed building and one on the existing building. The existing sign will be brought down to the ground and made to feel like it fits the landscape better. The outdoor arena will be first project with the rental cabin being last. This is a phasing concept and this looks like the logical way to get it all done. The Lundahl's have been very careful of the environment and want to keep the respect for the land with the expansion.

Ellis do you have details on the construction materials for the barn and storage area?

Bell they will probably be metal buildings and will be in colors that will match the surrounding area. There won't be any sides on the barn, but will be on the storage building.

Erickson is there employee facilities up there?

Mr. Brian Lundahl we have 11 employees and usually park at first dam and carpool up to the lodge. One thing we did talk about in the plan is that there is one room in the newer lodge that will be for an overnight manager.

Olsen I know you approved the access through UDOT, are there going to be signage there regarding the horses and so forth?

Mr. Bell there aren't any horses crossing the road.

Mr. Lundahl currently there are two signs put in by UDOT. We do occasionally cross the road but we do have a good procedure. We have one person who goes and watches the road up above and radios down when it is safe to cross. The barn will be mostly for the private horses and they are experienced so if they cross at least it will be experienced riders.

Sands the arena isn't necessarily a building, but how is it planned?

Mr. Bell there will be an appropriate base for riding and a split rail fence around it. There is a ridge that hides the site pretty well from the road so it will be very hard to see.

Sands it sounds like you are still considering your options with the water tank

Mr. Bell down below it would be in a tower, up above would be a tank. If we did a tower we would want to make sure the scale of it would fit the forest. We don't know the cost of that or what not yet as we are still deciding.

Sands for the water tank you don't think it will be noticeable?

Mr. Bell I don't think it will be seen, but we will have to look at it very carefully. The slope is pretty steep and we have to have access to it. There is a road on the north side of the corrals that we could possibly use.

Larsen do you graze the horses at all?

Mr. Lundahl we do not. We buy certified weed free hay. We don't have a permit to graze the horses.

Larson do you bring all your laundry and things down the canyon?

Mr. Lundahl currently we have laundry facilities on site and we will make accommodations for that in the new building. In respects to the water tank, if we go right up north of the current corrals and a little to the east that would be the ideal spot to do it. I would have to pump the water a little further and gravity feed it a little further, but visually that would be the best option.

There is a culvert that crosses the road and we would have to get approval from UDOT to do that, but it would be the best spot.

Sands I would agree with that location. The water tank needs to be a little more fleshed out. Would you be willing to bring that back to us when you have a better idea?

Mr. Lundahl yes certainly.

Ellis I'm guessing if we want to address the buildings and their materials, now would be the time?

Runhaar yes. We could stipulate that the buildings have to come back here or you can give guidance as to what you want and have staff control that.

Mr. Bell the materials and buildings do matter because they are visible from the roadway. Right now the things that you look at that are there are nice and fit and we want that for the other buildings as well.

Erickson On the new signage you have proposed, would that conform to the county standards?

Runhaar no, but they can modify that sign and make it conforming. They can keep that sign, it is legally permissible; they can drop that sign but they cannot go bigger than what they have. They cannot do a backlit sign either.

Sands for the horse barn it looks like a dark green roof and black or dark brown metal. It is open, right?

Mr. Bell yes. The lane that is pictured is already there and the area is mostly flat.

Allen what are your plans for horse manure?

Mr. Lundahl we will have a pit built and then transport it down to the landfill. We do want to keep it clean and will have an area where they can wash their horses and etc. We do want to keep this nice and we don't want to cut anything.

Ellis I would feel a little more comfortable if we had a better idea of the storage building.

Mr. Bell we can easily modify that portion and bring it back to you.

Mr. Lundahl maybe earth tones or dark colors that conform to the area?

Ellis something like that.

Mr. Bell metal buildings make a lot of sense for utility structures due to the snow loads that are up there. I think the color is the big issue. They have to be proportioned right, colored right, and set in the right places. We have designated the places and can easily add color wording in there if that makes it better for you.

Sands I think compatibility with the surrounding area is critical.

Mr. Lundahl I think everything you are saying is what we've been saying as well.

Runhaar I did add a condition 6 stating the buildings need to conform to their surroundings.

Mr. Lundahl that works and conforms to our master plan.

***Erickson** motioned to approve the Beaver Creek Lodge Master Plan Expansion with the addition of condition 6 and the other stated findings of facts and conditions; **Allen** seconded;*

Ted Seeholzer I own the Beaver Mountain Ski Area. I think the Lundahl's are to be commended for this. They have done a wonderful job and the quality of work they do is good. I urge you to give approval of this.

Sands would it make sense to talk about lighting, I would think use of dark sky compatible lighting would be appropriate and would be a good condition to add.

Mr. Lundahl I have no problem with the dark sky compatible lighting.

Sands** motioned to add a condition regarding dark sky compatible lighting; **Erickson** seconded; **Passed 7, 0.

Original Motion Passed 7, 0.

FINDINGS OF FACT

1. The Beaver Creek Lodge Master Plan Expansion 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 Beaver Creek Lodge Master Plan Expansion Conditional Use Permit 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 Beaver Creek Lodge Master Plan Expansion Conditional Use Permit is issued in conformance with the standards and criteria for a Conditional Use within Title 17 of the Cache County Code. The Beaver Creek Lodge Master Plan Expansion Conditional Use Permit is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
4. State Route 89, and the public right-of-way that provide access to the subject property, have an adequate capacity or suitable level of service for the proposed use.

CONDITIONS OF APPROVAL

The following conditions must be met for the proposed use to conform to the County Ordinance and the requirements of county service providers.

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 and shall meet the requirements of the Cache County Ordinance including necessary permits.
3. A Zoning Clearance and all other applicable department reviews shall be obtained by the property owner prior to any construction or the placement of any structures on the subject parcel.
4. The applicant shall meet all applicable requirements of the 2009 International Fire Code.
5. This approved conditional use permit for the expansion of the Beaver Creek Lodge Master Plan shall supersede all previous conditional use permits and approvals.
6. All accessory buildings shall be constructed in a manner, location, and color scheme appropriate to the scenic quality of the canyon and existing building types.
7. All lighting on the property shall be Dark Sky compliant.

Godfrey recused himself from participation of the North Valley Landfill discussion and left the stand.

7:00:00

#4 North Valley Landfill Rezone (Issa A. Hamud)

Harrild reviewed Mr. Issa A. Hamud's request for a recommendation of approval to the County Council for a Rezone of 320.36 acres by amending the Agricultural Zone to include the Public Infrastructure Overlay Zone located north of Clarkston and continued from the July 7, 2011 meeting. The proposed area for the rezone has been reduced from the 520.79 acres to 320.36 acres. In regards to the access, this site will be accessed from Stink Creek Road that is currently inadequate, but will be brought up to county standards. Many of the concerns that were brought up last time have been discussed. The four that were most common were: 1. Contamination of groundwater via aquifer contamination and/or surface water run-off; 2. Truck traffic; 3. winter conditions on the road from Logan to the proposed site; 4. Box Elder County's willingness to accept Cache County's waste stream. All four areas will be more specifically addressed during the CUP process if this rezone is approved; however staff feels that the first 3 areas can be mitigated. Staff also wants it noted that this item will go before the County Council. Staff does feel that this is a compatible area for this project. We have been working to get contact information for the property owners on the Idaho side of the border. We received that information yesterday and future noticing will include these owners that of property within 300 feet of the proposed rezone area.

Runhaar Mr. White could not be here tonight, but did want it noted that the County Council was going to discuss the Box Elder option with the Logan City Council at their joint meeting at the end of the month but that that area of concern is outside of the planning commission's scope.

Ellis it's important that we take this in steps due to nature of this project.

Runhaar we did receive a letter from the Weston City attorney.

Ellis the last couple of sentences of the letter states that Weston City is protesting this landfill here.

Ellis I did look at the phase 3 site evaluations and it discusses secondary groundwater recharge?

Mr. Issa Hamud we have two criteria: ground water which is determined to be in contact, and secondary means it is unknown whether it is in contact with that area.

Ellis do you know how a location would get a low score?

Mr. Hamud commented that the areas were given a low score due to the fact that it was not possible to determine the extent of secondary groundwater recharge for the area as the information and means are not currently available to track those rates over those greatly extended periods of time.

Sands on the staff report, I think you did a good job on capturing the primary issues from the public and some of the other issues I noticed were road capacity, and wildlife habitats. I think those also fall in to that category of things that have a potential to be mitigated through the CUP process. Also many people felt like the suitability study was skewed.

Staff and Planning Commission discussed the site exploration and who oversees that process. The state currently oversees the exploration studies and the county will sit down with the state specialists to go over the reports

Camille Larson I am the mayor of Weston and I am representing our citizens. Was anything taken into consideration regarding the Idaho side? Our city springs sit three miles south of our town. There is also the Weston Creek Irrigation to consider. Also, is the data from the test wells public record? I would like to recommend that you get a neutral person to read these test results. The focus of the studies that were posted online were direct towards Clarkston water, however most of the drainage goes down towards the Idaho border. Also, I don't think this was intentional, but the citizens of Weston's concerns were left out. You know that not all of Clarkston and Cornish are going to drive the improved road; they are going to cut through the Idaho way and drive that unimproved road. Who is going to be responsible for contamination if it happens? We want all the bases covered and would like to know what is going on and be kept informed. I do see the need for a landfill, but want to make sure our water source for Weston is protected. I am in the process of gathering the information for our well and will make that available to Logan City's engineers.

Harrild we did locate a water source assessment for the city of Weston that was done in 2003. Weston is here on the east of this map and there are two springs and two wells noted on this map.

Runhaar it looks like most of the water is coming from a North West direction, and the landfill is to the south.

Camille Larson our springs are 3 miles from this site, the wells that are shown are used in July and August.

Harrild what is important to note for Spring 1 is that the travel direction is from the north and the west, not the south and the west. Spring 2 also reflects a similar pattern as Spring 1.

Ellis what are the Planning Commission and the County's obligation in regards to Weston?

Runhaar for a legal opinion, you would have to ask the attorney. Morally and ethically I think we need to consider them because water and air pollution doesn't stop at the border.

Linton from a legal standpoint your obligation ends with the County Code and State of Utah. I can't tell you for sure, but I suspect that there is a compact between Utah and Idaho that deals with things like this.

Runhaar one thing to note is that Utah and Idaho are in different EPA regions. That doesn't mean we don't communicate, but we are in different regions. There is the Bear River Compact that deals with possible contamination there, and that takes in several states.

Linton it would be a good idea to ask Mr. Hamud to address those areas.

Mr. Hamud the initial analysis done by Logan City was overseen by citizens selected by Logan City Council and the County Council. Most of the requirements for water are federal and those are followed by every state. And the states cannot be less strict than federal code; they can be more strict, but not less. We probably did not do enough in regards to Weston City, but Franklin County was made aware of the proceedings. At one time it was even discussed to join with Franklin County and do a landfill that would be owned by both counties. There are a host of other things that are being studied for the site suitability and those are specifically addressed in state and federal code. The state of Utah has an oversight requirement for this and they will require monitoring. We cannot hire someone off the streets to do this monitoring, they have to be qualified.

Ellis part of the information we received was from that committee and they determined this site was adequate.

Jim Fannesbeck my family owns nearly a mile on the Idaho side of the border near this. You are missing the water point entirely. There is no fire protection in that area; you could burn down half of our entire county just like that. We're not just worried about Weston but Clarkston as well. It appears it can be mitigated, but that hasn't been proved. I am a professional engineer and you need to ask more questions. Please stop this bad idea right here.

Ellis when is fire protection discussed?

Runhaar typically in the CUP process, but fire is usually talked about in regards to habitable structures.

Mr. Hamud fire protection and dust control are required by the state and we will have a truck on site. If we potentially need to contract with the county or Clarkston for more protection, we will.

Sands one of the things that was brought up was monitoring wells on the Idaho side, is that feasible?

Mr. Hamud sure, if the property owners are willing to allow us to do so we would be more than willing to monitor those wells. That won't happen until the landfill is in place, but we are willing to do that. Also all official data will be available to the public either on Logan's website, or the state's site.

Staff and Commission members discussed the requirements for a rezone. The requirements that must be met for a rezone are that the area be no less than 40 acres and that a site suitability analysis be completed and received before the application for a rezone. Also, while compatibility is looked at, in this instance it is more important to consider incompatibility. There isn't an incompatibility with a landfill next to an agricultural field. Also, if the rezone is approved but the CUP is denied the rezone stays with the property until it is changed. However, this is an overlay and the base use for the property is not changed. We also need to be aware that other infrastructure items allowed under the Public Overlay Infrastructure Zone will be allowed on this piece of property if the landfill does not happen. Finding 3 was augmented to state that the site is in compliance with the ordinance requirements of a minimum of 40 acres and a completed site suitability analysis.

Sands I think with the criteria we have to work with, that it would be difficult to vote against a rezone here. I completely sympathize with the people who are here from Clarkston and Franklin County and have expressed concerns. I find that there is no ugly area in Cache Valley for this type of project, however we don't get to choose where these things go. We can only respond to requests from property owners. I would expect that if this project moves to the next phase for a CUP we will have ample opportunity to mitigate concerns.

Olsen this is pretty difficult for me as well. As we went on site and was looking at the site, some of the questions I have is there is a lot of slope in this area and I have some concerns regarding drainage going down the canyons around there. I'm wondering why they didn't pick a site with less slope that was more level for this type of project. I don't know that I could vote for a zone change myself; I'm still contemplating what to do.

Erickson motioned to extend the meeting to 8:20; **Olsen** seconded; **Passed 4, 0 (Larson abstained).**

Allen given the criteria that we are given to look at I think it's hard to vote against it. My gut feeling is that it's not the best site, that maybe there are others but of the sites looked at maybe it's the best site.

Ellis I guess I would repeat almost everything that's been said. Like any other application that has been brought before us this is a yes/no decision. Most of the concerns that have been brought before us can be dealt with at CUP time. I noticed the study mentioned fairness for the people of the county and that negotiations between those who are near this might be needed. My feeling as this point it is that within the restrictions of the ordinance I have problems denying this rezone at this stage.

Larson I was appointed to follow the law and that is why I wanted to flush out the criteria of what we need to meet. You have quite a group here and maybe you have enough to hire your own engineer to study this and we could discuss both sides with those opinions. But given my

appointment was to make sure that the law was followed and applied I would have to vote in favor of it.

Erickson in good conscience with the downhill factor of everything I highly question the suitability. I also highly question the compatibility for the area however desolate it may be. There are a lot of these issues that will come up with the CUP process and many of these issues are settled by listening more to the locals than to the degrees (experts) on how things work. I think we really need to protect our constituents in our county and be good neighbors. In good conscience I can't vote for the rezone.

Larson motioned to recommend approval to the County Council for the North Valley Landfill Rezone with the conditions and findings of facts as stated and amended including the 40 acre minimum and suitability analysis; Sands seconded; Passed 4, 2 (Olsen and Erickson)

FINDINGS OF FACT

1. The location of the subject property is compatible with the purpose of the proposed Public Infrastructure (PI) Overlay Zone.
2. The subject property is suitable for development within the proposed Public Infrastructure (PI) Overlay Zone without increasing the need for variances or special exceptions.
3. The subject property is suitable as a location for permitted solid waste facilities within the proposed Public Infrastructure (PI) Overlay Zone in compliance with Title §17.19.080 [A] [1 and 2].
4. The subject property, when used for the permitted uses in the Public Infrastructure (PI) Overlay Zone, is not incompatible with adjoining land uses within Cache County.

8:15:00

Sands motioned to extend the meeting until 8:30; Erickson seconded; Passed 7, 0

Godfrey rejoined Commission

#5 Nelson Resource Gravel Pit Conditional Use Permit (Duane L. Smith)

Harrild reviewed Mr. Duane L. Smith's request for approval of a CUP to allow a gravel pit on 2 acres of a total of 42.34 acres of property in the Agricultural Zone located at approximately 10375 South Highway 165, Paradise and continued from the June 2, 2011 meeting. This does not require a rezone as it is less than 5 acres in size; however the requirements for the mineral extraction zone must still be met. The road is a private road and we do not need to set requirements for road improvements as this request is not for habitable structures. This is a smaller site. The material is there and once it is completed reclamation would be consistent with the ground that is currently there which is agriculture.

Ellis how about transitioning to the county road?

Mr. Smith the county engineer has to approve that access.

Runhaar you're probably looking at a 20 foot apron to reduce tracking.

Larson you mentioned that there isn't enough water for fire, but is there water needed for dust suppression?

Mr. Smith water will have to be there due to the pollution concerns of dust.

Runhaar the state monitors air quality in regard to any dust suppression on the site.

Mr. Smith the closest gravel supply in the south of the valley is Wellsville.

Ellis you've read the conditions, is there anything else?

Mr. Smith no.

Larson motioned to approve the Conditional Use Permit with the stated conditions and findings of facts; Olsen seconded; Passed 7, 0.

FINDINGS OF FACT:

1. The Nelson Resource Gravel Pit 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 Nelson Resource Gravel Pit Conditional Use Permit has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Nelson Resource Gravel Pit Conditional Use Permit is issued in conformance with the Standards and Criteria for a Conditional Use within Title 17 of the Cache County Code.

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. The Mineral Extraction and Excavation Master Plan shall be reviewed and approved by the Cache County Engineer prior to the commencement of any site development activities or gravel extraction on this site.
2. All extraction and excavation operations shall comply with the minimum operational requirements as per Cache County Code §17.13.060 Minimum Requirements.
3. Any expansion of the approved conditional use permit shall require review and approval by the County Planning Commission prior to the expansion.
4. The termination of the specific project as detailed in the master plan and the completion of reclamation of the site shall terminate the conditional use permit and use of the extraction area as a gravel pit.
5. Prior to issuance of the Conditional Use Permit the applicant shall obtain and supply a copy of all necessary Federal, State, and local permits as required. This specifically includes the necessary State of Utah storm water permit.

8:29:00

#6 DD Auto & Salvage (David Grange)

Harrild proposed continuance of Mr. David Grange's request for a recommendation of approval to the County Council for a CUP to allow the expansion of an existing CUP including construction of additional buildings, fencing, storm drainage system, and truck scale located partially in the Industrial Manufacturing and Commercial Zones at approximately 1976 West 200 North, west of Logan; continued from the May 5, 2011 meeting.

Erickson motioned to continue up to 90 days; Larson seconded; Passed 6, 1 (Sands voted nay).

Lamar Clements my concern with this was when the first conditional use permit was granted there was supposed to be a nice masonry wall built and a fence and that has never happened, why?

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

Continued until next meeting.

Adjourned

8:33:00