



Planning Commission Minutes: 01 September 2011

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Cache County Planning Commission

Minutes for 1 September, 2011

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

Start Time: 5:30:00 (Video time shown on DVD)

Ellis welcomed and White gave opening remarks.

5:30:00

Agenda

Passed

Minutes

August 4, 2011 – Minutes adopted as amended.

5:38:00

#1 Cherry Peak Ski Area Master Plan (Logan Checketts)

Harrild reviewed Mr. Logan Checketts' request for a Conditional Use Permit (CUP) to allow recreational skiing and other winter sports activities consisting of a ski resort base area and mid-mountain facilities including four (4) ski lifts, a terrain park, a zip line, three (3) water storage reservoirs, and one (1) cable tow for a tubing hill to operate on 203 acres of 285.97 acres of property in the Forest Recreation (FR-40) Zone located at approximately 11000 North 3200 East, east of Richmond. This has come before us previously, but was then called Rainey Ranch. This request, however, is from a different agent and has a different name. Two existing cabins are located near this. One of those cabins is abandoned, and one is not. This application does have a master plan, a traffic impact study has been completed, and a wildlife study has been completed. They are anticipating a peak capacity of 1,000 skiers per day. The focus on the development will be in the southern area. Also, portions of the area will be used for night skiing and most activity will occur in the winter. Some activity may occur in the summer. The master plan indicates locations for services which will include selling tickets, ski storage, a small restaurant, a ski repair shop, small retail sales, and restrooms. One concern that staff has is four parcels have been illegally divided and must be recombined prior to approval for the CUP. The proposed ski area would be constructed in phases. Phase one would take about two years and would include roadway improvements, the electrical utility system, septic system installation, lower parking lot, skier lodge, mid-mountain water storage reservoir, tubing hill and warming hut, base area lift A and lift B, terrain park, wind fence, and an entry sign. Phase 2 will take 2 to 5 years and will encompass constructing Mid-mountain Lift C and Lift D, upper parking lot, a zip line, lower water storage reservoirs, Ski patrol shack, maintenance facilities, and private cabin sites. Access would be through Richmond City. Staff cannot require road improvements to the roads in Richmond City. However, the main access roads to the site through Richmond City do meet the

needs for the traffic to this site. 11000 North will require road improvements. About 700 feet of 11000 North is paved and then tapers off and narrows. The road will need to be a paved surface that meets county standards and will need to be widened to 20 feet as well. Concerning the septic system, the Utah Department of Environmental Quality will need to approve the permit for the site as the system would operate at more than 5,000 gpd (gallons per day). We do have comments from the public. Seven or eight people have sent in their comments, and all are opposed to this proposal. They are concerned with water, impact on wildlife, the economics on the proposal, traffic, environmental damage, and a concern regarding regulated and unregulated access to the area, concerns regarding this becoming an eyesore if the plan failed, and the additional stress it could incur on the surrounding community due to the water and traffic. There was also a request that the commissioners remember the comments from last time and look at them as well.

Runhaar we want it noted that one of the primary concerns that you are looking at on this project is not just its location but also the surrounding uses. You have forest service land to the east and DNR with a habitat range that is essentially taking up all the land to the south and west; this is sandwiched in between sensitive areas. We have received confirmation that 11000 North is a county road. Staff is asking that you continue this item because we are waiting on comment from multiple other public entities.

Staff and Commission members discussed Richmond City's water line. The applicant and the county do not want to touch the water line and are going to avoid at all cost anything that might disturb the water line. Some of the area that the ski resort would encompass does fall into Richmond City's spring area, but the springs are uphill of this development. Some of the ski area does run over the county road, but if the illegally divided parcels are removed, that specific ski run would not run over the road. There has been some discussion of providing an alternative access to the trailhead during the winter since currently there is no winter access to that trailhead. Staff and Commission members discussed the options for reclamation if something were to happen and the resort close down. The parking lot would probably be kept for the trail head but staff would have to look what the options would be for reclaiming the ski lifts, buildings, etc. The county has ascertained that 11000 North is a county road and the county will be asserting its rights to that road should problems arise. Planning Commissioners found some discrepancies regarding the water usage that has been proposed and are wondering why there is such a difference being required between the gallons for septic and the gallons needed for other uses. Also discussed was the type of development agreements that are needed and why this isn't being done under the resort/recreation zone. This isn't a big enough development to meet the needs of the resort/recreation zone, but there will be development agreements in place regarding the infrastructure. Maintenance for the road for the winter is still being discussed. The county can't promise that the ski resort's road will be one of the first roads plowed when new snow falls so that will need to be figured out due to new snow meaning a busy day for the resort.

Sands I'm also concerned with the wildlife.

Ellis they have completed a wildlife study that is with the master plan. One thing that I'm possibly concerned about is if they are making snow, that creates a frozen reservoir and if we have another spring like this year, how is that going to impact snow melting.

Mr. Logan Checketts I appreciate your time looking at this. We have done a lot of studying on this area since the application was withdrawn last time. I am very excited for this to come into Cache Valley and feel it will be a good thing for the county. There are a lot of questions regarding critical resources for Richmond and we want it known that our intention is not to harm any of those resource and would like to have as little of an impact on those resources as possible. We have been completing the economic studies that people asked for last time and we are trying to make sure this will be successful. One thing that I want to state is that every skier will cross the county road; it won't be just a few skiers but ever skier. Every skier will have to ski down and cross that county road to get onto the lift again.

Sands would you try to respond to the 10,000 gallons of culinary water compared to the 5,000 gallons of septic capacity.

Lance Anderson under water supply rules it is 10 gallons per skier per day, under waste water rules it is 5 gallons per day per skier and we have to build to those standards. There is a little bit of discrepancy in there because you do have some culinary use and water consumption in there as well.

Sands would the expectation be that if the parcels that are illegally subdivided are dropped that you would amend the master plan to reflect that?

Mr. Checketts yes. There are some discussions on whether or not the property was originally illegally divided, but we are going to iron that out. If those properties are dropped out, that run in the bottom of the canyon is a beginner run, it's on an 11 percent slope, if we have to shorten that run then we would be okay with that.

Ellis thank you. Staff's recommendation would be to continue this. Would we need to have a public hearing?

Runhaar we don't need to hold a public hearing, but a public meeting will suffice.

Scott Walker I'm the habitat program manager for the department of wildlife resources and we manage the wildlife area here. The 11000 north road, we don't feel like it really has been established as a county road, and that is according to our Attorney General representative. If that is claimed as a county road, there is still the issue with in state law of changing the use of that road. Currently it is used as access to a forest service trailhead and to change that use to 700 car trips for the ski resort is a substantial change. Also, there is a federal issue with the wild life program that helped purchase that property for the wildlife area. Their representative in Denver was unclear on the status for this proposal but it would need to go through the NEPA (National Environmental Policy Act) process. If the proposal is controversial, and contains certain wildlife criteria, then that would trigger a NEPA process. The wildlife study that was completed has identified the area as crucial grounds for big game but they make no mention of how they are going to address their impacts. One huge oversight that needs to be pointed out is that there are sharp tail grouse, a state sensitive species, on the wildlife range and that needs to be addressed. We will be submitting comments on this and will address those issues in that letter, but some of these things need to be worked out before this proposal can be passed.

Ellis if it is not a county road would the DNR object to the use or could it be mitigated?

Mr. Walker we would not be favorable towards this project and the change of use for the road.

White if that road is there, how does that adversely affect the wildlife?

Mr. Walker it's the amount of traffic and the night use. The disturbance is going to impact wildlife, and the disturbance of this could move wildlife lower into farm land.

White this seems to be above your ground.

Mr. Walker the road it's self is a disturbance as well as the other activities that would come.

Allen how many acres does the DNR have there?

Mr. Walker about 1300 acres.

Allen where does the feeding occur?

Mr. Walker there is no feeding, it's just winter range.

Allen where do the elk typically winter now?

Mr. Walker on south facing slopes and the sharp tail grouse are within ½ mile of the proposed site.

Allen isn't the big game in Eagle Basin?

Mr. Walker I'm not sure where Eagle Basin is.

Allen on the south side.

Ciebien if for the sake of argument the road is a county road how does that impact NEPA?

Mr. Walker it still would trigger the change of use and how it negatively impacts wildlife.

Erickson when the DNR was able to get through their property that they have acquired, it's kind of developed an island around this piece of property. Were they not willing to sale?

Mr. Walker at the time of the original purchase I don't know what the situation was with that private piece. I know in the 1990s they were looking to trade for that piece but could not find a suitable piece elsewhere.

Ciebien if it is a change of use as viewed by you or anyone, it would go through the NEPA process?

Mr. Walker that is my understanding.

Ciebien could you site the code?

Mr. Walker no I can't. I've read it, but I can't tell you the exact passages.

Runhaar I remember that being discussed last time on a conference call, but I was never able to substantiate that, if you could include that in your letter that would be helpful.

Erickson** motioned to continue the Cherry Peak Ski Area Master Plan up to 90 days; **Allen** seconded; **Passed 5, 0.

Runhaar the public is welcome to come into our office and ask us questions and if they provide an email we can certainly email updates of what is going on. We also accept questions by letter, and email.

Staff and commission discussed a possible site visit. There will not be transportation for the public due to the remoteness of the project but staff will try and meet with all the commissioners for a site visit. You can't see much of the site from the road and it really is necessary to go up on some of the slopes to better see the lay of the land. For staff's visit they used vehicles similar to an ATV to see the site.

6:53:00

#2 Discussion – Section 17.07 – Definitions; Section 17.09 – Schedule of Zone Uses

Runhaar presented information regarding sections 17.07 and 17.09. It's been a problem that most uses that come up today are not well identified in our current use chart and if they are they aren't defined very well in our ordinance. When this happens we amend the ordinance and we end up with a very wide use chart and then sections that are very narrowly defined and it makes for a chart that is very unwieldy. We've taken the multiple pages of uses and have cut it down to the hand out. With this we've been able to define more things, but make the chart and definitions easier to use. The definitions section is still being cleaned up, but it covers most definitions that we use. The definitions section is split into two sections, use definitions and general definitions.

Staff and commission discussed residential treatment facilities. As long as the applicants are claiming treatment for disabilities the state and federal government require those definitions not be listed under medical facilities. It was also discussed how the chart applies to storage facilities and accessory uses. The new changes allow an accessory use, which includes a caretaker's residence. Staff and commission discussed how land use regulates large dairies, chicken farms, mink farms, etc. and how to define a CAFO.

7:27:00

#3 Discussion – Ordinance Revision Priorities

Staff has put together a list of ordinance revisions that we see need to be updated and revised. The first two items are currently being worked on but we also need to make changes to the

cluster ordinance and the small business sections. We also have several other areas that need to be cleaned up and updated. We would also like to work on several other areas including: sign ordinance, Mineral Extraction Zone, general clean-up, Constitutional Takings, Height Limits, Telecommunication Facility Design Requirements, Parking Requirements, Resort Recreation Zone, and culinary water. Several of these areas need to be updated to meet State Code amendments and also to clean up portions of the ordinance so we are not trying to require things that we legally can't. We have indicated where we feel each items falls on the priority list, but we can changes things around as needed. We also have a planning issues work list that includes: Transportation Plan, Land Use Plan, Affordable Housing Element, and the Airport Master Plan. The Airport Master Plan is actually completed, but we need to incorporate it into the County's Comprehensive Plan.

Adjourned

7:42:00