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**DEVELOPMENT SERVICES DEPARTMENT**

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**Planning Commission Minutes: 01 December 2011**

<b>Item</b>	<b>Page</b>
1. <b>R Rafter L Subdivision .....</b>	<b>2</b>
2. <b>DD Auto &amp; Salvage Conditional Use Permit Expansion .....</b>	<b>2</b>
3. <b>Cherry Peak Ski Area Master Plan Conditional Use Permit .....</b>	<b>5</b>

## Cache County Planning Commission

Minutes for 1 December, 2011

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

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

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

**5:33:00**

### Agenda

*Passed.*

### Minutes

*November 3, 2011 – Passed with noted changes.*

**5:30:00**

### Consent Agenda

#### #1 R Rafter L Subdivision (Lindsey Richards)

**Harrild** Ms. Lindsey Richards is requesting a recommendation of approval to the County Council for a 2-lot Subdivision on 22.78 acres in the Agricultural Zone located at approximately 10802 South Old Highway 165, Avon.

**David Aegly** I live downhill from the lots. I'm not sure where the houses, drain fields, and wells are going to be. I have a surface well that is about 30 feet deep. I just want to make sure the drain fields aren't going to drain into my well.

**Runhaar** as far as septic and drain field, we won't know where that is going to be until they go to build the house. Also, Bear River Health Department has to approve where the septic will be.

*Larson motioned to recommend approval of the R Rafter L Subdivision to the County Council with the stated conditions and findings of facts; Erickson seconded; Passed 7, 0.*

**5:40:00**

### Regular Agenda

#### #2 DD Auto & Salvage Conditional Use Permit Expansion (David Grange)

**Harrild** reviewed Mr. David Grange's request for a recommendation of approval to the County Council for a Conditional Use Permit (CUP) to allow the expansion of an existing CUP including construction of additional buildings, fencing, storm drainage system, and truck scale located in the Industrial Manufacturing and Commercial Zones at approximately 1976 West 200

North, west of Logan; continued for up to 90 days at the Nov. 3, 2011 meeting. Logan City maintains 1900 West where a proposed access is located, but has not provided any comment regarding that proposed access. The applicant will need a right for access to culinary water for the proposed structures and for the addition of any restrooms. The proposed buildings will need to meet the requirements of the most current adopted version of the International Fire Code and building code. This may require the inclusion of fire sprinklers and ADA accessibility for those structures. Staff's determination is that the CUP does conform with County Ordinance requirements.

Staff and Planning Commission discussed the applicant's previous record of not meeting the current CUP requirements. This time a more detailed plan is being required and some of the improvements will need to happen before recordation of the CUP or the applicant may provide financial surety for those items. Landscaping that staff is asking for is to be done along the outside of the fence. Staff is not requiring interior landscaping because if the exterior screening is sufficient it won't matter if there is screening in the interior. It does need to be noted that when the business meets or exceeds 15 customer or employees the requirement for a restroom comes into effect and the applicant will need to work with Bear River Health Department for that.

**Lance Anderson** we do have some things regarding the vegetation plan that we would like to discuss. Also on condition #[5] [a], we had shown some screening on the neighbor's parcel. The original plan was to screen down and around his parcel, but he has agreed to let us screen part of the way across his land, not the entire way. Those are the only things that we are concerned about.

**Ellis** what would you propose on condition # [3] [a] [1]?

**Anderson** we have a visual we would like to look at. There are 5 key observations points right now that we have looked at and would like to show you.

**Ellis** are there large trees or something similar?

**Mr. Anderson** right and that is from the manmade wetlands. It doesn't screen a lot, but does provide some screening. As you can see from the picture, you would have to have a pretty tall fence to screen the yard.

**Sands** you're not proposing a screen there?

**Mr. Anderson** we have a security fence that we are proposing there. What you're seeing here is about a two foot berm and then a fence on top. We are also proposing natural vegetation. You can see the break in the fence right here where the neighbor's property is.

**Ellis** would you have screening on the back side of the neighbor's property or would that be open?

**Mr. Anderson** that is a security fence right now that has slats in it. Observation point 5 is pretty far out and you can't really see the project site. Observation point 6 as you can see would be total screened from the road.

**Runhaar** so you are no longer proposing screening on the Westside?

**Mr. Anderson** right, because you can't see much.

**Sands** the screening that is there now is temporary. As soon as they harvest those trees it's gone.

**Mr. Grange** we would continue our security fence down that way.

**Mr. Anderson** the fence wouldn't have the berm there.

**Ellis** would that be dry land and native grasses?

**Mr. Grange** yes.

**Harrild** the intent of the vegetation, from last time we met, was to screen the fence.

Staff and Planning Commission discussed requiring vegetation along the exterior of the fence. If the Commission looks at the suggestions from Logan City for trees from the last meeting those are street trees which wouldn't be appropriate for this project. There is some potential for problems if there is no screening required along the west side of the business. The county cannot come back in the future to require screening once those trees to the west are cut down. At the last meeting it was discussed to continue screening down the west side and require the security fence with slats on the south side. Part of the reason for requiring vegetation along the exterior of the fence is to break up the monotony of the fence line. Many members of the commission would like the fence to be masonry as it tends to require less upkeep and last longer than a vinyl fence. The full screen does not need to be fencing; the requirements for a screen can be met with a combination of a berm and fencing. Staff is not asking for vegetation along the entire fence, but would like to see clumps of vegetation along the fence to help break up the fence line. The concern is that if the screening is skimmed on now, in the future if there are problems the county cannot go back and require the business to change their screening. If the applicant chooses to go with vinyl, staff would like to see that it be grey or beige, or something that will blend in with the surrounding area better than white. If vegetation is required along the fence the applicant will be responsible for the upkeep, staff doesn't want the landscaping to be a burden. If done right the applicant can probably water all the landscape a couple times a week using a water truck.

**Mr. Grange** that little square in the middle doesn't belong to us, ultimately I would like to purchase it if it ever becomes available.

**Sands** you would go across there if it was your property?

**Mr. Grange** sure. Like I mentioned last time the only reason we were looking at the vinyl was for cost effectiveness. We never had planned on plants in front of the fence. I guess at this time I would be okay with the masonry fence, but it would take more time.

**Bob Bissland** I think the idea of the grey vinyl would be much better. As has been mentioned going down south and other areas, the white is reflective and from the benches you'll see a bright white fence. Also going down I-15 you see the 12 foot sound barriers that are full concrete, so I don't think a berm with a concrete fence would be a liability.

**Erickson** they talk about the different phases, are there deadlines or timelines for those?

**Ellis** or is phase two conditional on completing phase one?

**Mr. Grange** the buildings and things like that will be built as needed. As far as the screening and all that we anticipate that being done in the next two years.

**Runhaar** phase one is scheduled for 0 to 3 years, phase two 3 to 5 years, and phase three 5 to 8 years out.

Some members of the Planning Commission like the idea of a decorative concrete wall with some landscaping and find it to be a better option than a vinyl fence. There are several salvage yards from Brigham City to Provo that have nice concrete fences and that is what many members want to see with this project.

**Mr. Grange** I'm fine with concrete walls. The reason we looked at vinyl is for economic reasons. If we need to do the concrete up front, then we can bite the bullet and do that but we don't want to become landscapers.

**Mr. Anderson** I would suggest that it could be a combination. With a total height of 8 feet from the crown of the road and that it can be any combination of the wall and berm.

Staff and Planning Commission reworded condition # 3. An alternative for landscaping was also discussed. As the landscaping is currently proposed, the commission members don't feel that it would pass a vote.

*Larson motioned to continue until next month's meeting to allow for re-summarization of the conditions of approval and re-drafting of the diagrams; Sands seconded;*

Condition 11 was discussed the words "and the stream channel" added for clarification.

**Original Motion Passed, 7, 0.**

**6:52:00**

### **#3 Cherry Peak Ski Area Master Plan Conditional Use Permit (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 continued from the Sept. 1, 2011 meeting. This was brought before the commission about a year ago as Rainey Ranch. Additional work has been done to meet County requirements. They have completed a master plan and a wildlife study. They are expecting about 1,000 skiers a day for peak accommodation.

Night skiing is an activity that will happen and mostly be done on north facing slopes. As far as lighting for night skiing, it will be down lit. The development will have some summer activities but most of the activity will occur during the winter ski season.

There is an existing trailhead located at the end of the county road. Year round access will need to be maintained to this trailhead. The proposal is to allow the ski runs to be placed over a small portion of the county road. This section of road is not maintained and winter access on this road is currently limited to pedestrian or snow vehicle traffic. The proposal would make the county road temporarily inaccessible on the portion of the road crossed by ski runs. The applicant will need to provide the public with an alternate access to the trailhead and other adjacent properties during the winter months while this road is temporarily inaccessible.

The master plan includes a 5 year plan which will likely commence in the fall of 2012; construction is anticipated to be finished by 2017. This is to be done in two phases. The first phase would take up to two years to complete and would include: roadway improvements, electrical and 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 II would take place 2 to 5 years out and would include mid-mountain Lift C and Lift D, upper parking lot, zip line, lower water storage reservoir, ski patrol shack, maintenance facilities, and private cabin sites.

Access to the site is from Highway 91 and there will follow the route through Richmond City streets from Main Street to 300 East to 500 North which then becomes county road 11000 North as it continues east across the Richmond City line. Richmond City streets are outside of County control for requiring road improvements, but are deemed adequate by County standards. County Road 11000 North is currently inadequate. It is initially a 20' wide paved road from the Richmond City line for about 700'. 11000 North then becomes an approximately 20' wide gravel road that continues for about one mile to the turnaround point where county maintenance ends. 11000 North next continues east for approximately one mile as a 13' wide gravel road across DWR property and then continues for approximately one half mile on private property to the point where 11000 North ends at the USFS boundary. The County attorney has provided a memorandum that states that there is a 66 foot right-of-way for the entire length of County Road 11000 North; this includes the portion that crosses DWR land. The increase in traffic will exceed what is appropriate for service levels on a gravel road the applicant has recognized that 11000 North is substandard and has completed a traffic impact study (TIS). The improvements they have recommended are in the master plan. The county engineer has reviewed and accepted the TIS.

The applicant has identified a need for culinary water supply of approximately 1 million gallons of water per year. A contract to secure water rights to meet this requirement has been submitted.

The applicant will be required to connect to the Richmond City sewer system as this site is located within zone 2 of a water source protection area. For service provisions, Logan City has asked that front load dumpsters be required. The Fire District will evaluate the proposed buildings prior to construction to confirm that the minimum requirements of the most up to date International Fire Code and Wildland Urban Interface Code have been met. Also the Fire District requires that access to the site is a minimum of 20' wide wall weather surface road with proper turnarounds. The US Forest Service has sent comment regarding this proposal since packets went out and that has been included for the Commissioners to read tonight. Proposed project mitigation that was submitted by the applicant in the master plan was read. Many comments from the public have been in regards to the wildlife. This is bordered by wildlife areas on three sides, but this is private property and is eligible for development.

Some members of the Commission are concerned with Richmond's water line that runs close to the road. The pipe has been located but the depth of the pipe is unknown. Neither the county

nor the applicant wants to impact the water line. All intentions, as staff understand them, are to avoid the line at all costs and to build up the road and not cut down into the existing road bed.

Many members of the commission commented on the adaptability of wildlife, while the resort does plan to reseed the grass where they are, the wildlife should be able to adapt and do well in the area even with the ski resort there. The commission suggested that signs directing skiers to the resort be put up in Richmond to help with directing traffic.

The issue of one of the ski runs crossing the county road was discussed. In the past the commission and the county have been very protective of county roads and want to make sure that the ski run isn't going to interfere with access to the trailhead. One way of addressing the trailhead issue is to move the access and the other is to abandon the road. The applicant has suggested relocating the right-of-way and that would be the better option for them. During the summer the wires and things for the lifts are going to continue to cross above the road. However, to take any action on the road will require County Council approval. Many commission members also expressed concerns regarding the increased use of Richmond's roads.

Commission members expressed concern for water in the area. The resort is going to be required to have a guaranteed culinary water source; however there is not a requirement for provision of water for snow making. Also, the resort will be required to run a sewer line to meet up with Richmond's sewer system. The sewer connection or a form of financial surety must be in place before recordation. The county is willing to plow the road but it won't be a top priority to clear that road following a snow storm. It is in the interest of the applicant to work with the County and figure out a way to clear the road if the County isn't able to get it done before the resort opens each day. The road is also may be subject to drifting and the county does not have the equipment to take care of that so the applicant will be responsible for that as well.

**Mr. Checketts** we feel like we have completed everything that the county is looking for. I guess I do want to know Mr. Erickson if you have a certain entity that you have in mind that more dialogue should happen with.

**Erickson** Are you talking to the people who know the migration patterns and plant life. Some of the entities have expressed concerns regarding that.

**Mr. Checketts** Yes, we have completed a wildlife study that addressed just that.

**Sands** I remember reading in the master plan that you plan on piping a portion of Cherry Creek. Is that correct?

**Mr. Checketts** as far as the creek and touching it, the only construction that would occur in the creek bed is a footbridge to reach the upper parking lot and the tubing hill. As far as removing trees and things for the ski runs, we are not going to be bulldozing anything through the creek bed or anything. We will be using snow to flatten out the area during the winter for the ski runs. As for signs directing traffic, that is a good idea and I think I would like to hear from Richmond City as to where those should go to be the most useful.

**Larson** you gave us a sheet in regards to the elevation, could you go through that?

**Mr. Checketts** I understand the skepticism regarding the elevation of the ski resort. To put it in perspective our base elevation is 5,750' at the lowest elevation. To compare with other resorts in

the area, the average of those is 5,600'. The snow does hold on the north facing slopes up there and the vast majority of the area up at Cherry Peak is north facing. We are not trying to cover the southwest facing slope, but we are going to build a wind fence so the snow will be deposited on the ridgeline and hold that snow there. There will be a cat track from the south hill to the north hill. I have given this sheet to several members of the council and can give others a copy also.

**Runhaar** there is a lot of the public here and we've had a lot of public comment. We still are trying to mesh all the comments from the public and public entities with everything else. I hope to have it for you next month. Staff would like to see a continuation up to 90 days.

*Larson* motioned to continue the Cherry Peak Ski Resort for up to 90 days; **Sands** seconded; **Passed 7, 0.**

**8:05:00**

*Larson* motioned to continue meeting for 10 minutes; **Erickson** seconded; **Passed 7, 0.**

**Runhaar** summarized the Capitol Improvements Plan. A ranking system for roads has been developed to figure out what roads need to be improved first. "A" roads are critical to infrastructure, "B" roads are important but not as important as "A" roads, "C" roads are ones that would be nice to do but don't really have the funds, "D" roads are roads that are lowest in terms of need. There is also a priority rating, 1 meaning it needs to be done immediately, 3 indicating that timing is less of an issue. So the box culvert on Mendon Road that is sinking was rated an "A" but a priority 2 because it hasn't failed. So the plan is to fix it in 2014 and the cost is estimated to be \$200,000. We've essentially gone through and identified our needs, when improvements will happen and will hopefully have funding priority for the next 5 years. We are working section by section through the county to redevelop our maintenance regime and figure out how to make all the roads meet the county standards.

**8:24:00**

**Items 4 and 5 continued to next agenda.**

**Adjourned**