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Planning Commission Minutes: 05 January 2012

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Cache County Planning Commission

Minutes for 05 January, 2012

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

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

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

5:33:00

Agenda

Passed with moving of action item #1 until the end of the meeting.

Minutes

December 1, 2011 – passed with noted edits to pages 4 and 7

5:39:00

#1 DD Auto & Salvage Conditional Use Permit Expansion (CUP)

Harrild reviewed Mr. David Grange's request for a recommendation of approval to the County Council for a CUP including construction of additional buildings, fencing, storm drainage system, and truck scale located partially in the Industrial Manufacturing (IM) and Commercial (C) Zones at approximately 1976 West 200 North, west of Logan; continued from December 1, 2011 meeting. Conditions 3 and 5 were reworded to reflect the suggestions from the Planning Commission from the last meeting. New requirements for the screen on the west property line include the concrete/masonry wall and berm for 50 feet and then security fencing for the remainder of the western property line.

Ellis I noticed in the minutes we discussed a more detailed landscape plan, what's happened there?

Runhaar we didn't add one because it seemed like the discussion last time was to not require a vegetative plan. Without that they are going to plant UDOT accepted grasses and mow it down a couple of times during the summer. If we have the masonry wall built, I believe that was the screening the Planning Commission was looking for.

David Grange on these items 3 and 5 in the preliminary thing they wanted to go all the way down the west side with the masonry and now they have scaled that back. We don't see the need for the masonry to continue on the side at all. The neighbor already has a fence up on that side already, and even though it's not for sale now or anything we hope it eventually will come up for sale and be able to purchase it and then do a masonry wall. It will be screened, but we would

prefer it not have to be concrete at all on the west side. On number 5, b, 1 it talks about not having stacks any higher than six feet. You can't put a car on top of another one and not have it be six feet.

Harrild that used to read no higher than 6 feet, and now it reads no higher than the screening.

Runhaar there is no point in having a screen if we are going to have 15 foot high stacks.

Mr. Grange that is going to be real hard to figure out what it says. Right now we hardly ever stack anything over 15 feet high and that's on the interior of the lot. Driving down the road no one is ever going to see it.

Runhaar I would like to see an actual visual analysis of that because I highly doubt that a car can't see a stack from the roadway. Maybe it could read, "not visible from the outside the property".

Larson not visible from the outside of the property can be interpreted several ways. Obviously an airplane could see that, and people on the benches, etc.

Harrild it was worded to read that stacks of material be no higher than the fence and therefore not visible. We certainly could add language that says not visible from Highway 30 or 19th west.

Ellis I think if you are standing at the fence you wouldn't see a stack 12 feet tall a 100 feet in.

Larson 19th west is the dump road, you're driving past the dump. To hold him to a higher standard when you have a hill of blowing trash, doesn't seem fair.

Runhaar it's not a safety issue, it's an aesthetic issue.

White if he's got to be held to that, it doesn't seem fair.

Olsen how high do you have to stack?

Mr. Grange typically 12 feet.

Sands when you're on the road looking at the 8 feet of fence, the farther in you go the higher he can stack. I like the way this is worded, to me he has a lot of flexibility.

Runhaar we can reword it to add or as not to be visible from Highway 30. They can do a site analysis regarding how high he can stack things and that would be the best way to determine where and how high he can stack.

Mr. Anderson the other thing that needs to be considered is speed of highway 30. Once you get the fence up the visual is going to change, you are going to see 8 feet of fence and then the mountains.

Mr. Grange the average traveler isn't going to notice the fence.

Sands sure they are, some people do care about how the side of the highway looks.

Mr. Grange I don't consider you the average traveler.

Runhaar we can also add the language that a site stacking analysis will be administratively approved.

Staff and planning commission discussed condition 3, a, ii. The justification for 50 feet of the masonry wall on the west side is to put that fence just past the home on the other piece of property and because it also is what was proposed originally on the applicant's site plan. No comment has been provided from the adjacent homeowners regarding what type of fence would be acceptable or on the project in general. Many members of the commission felt the chain link security fence was acceptable along the west side. Staff suggested instead of 50 feet requiring at least one panel of the masonry wall to help the transition around the corner of the property. The Planning Commission requested that the masonry wall continue for two panels, or approximately 16 feet.

Erickson** motioned to recommend approval to the County Council with the stated conditions and findings of fact with the word changes to Conditions 3 and 5 for the DD Auto & Salvage Conditional Use Permit Expansion; **Olsen** seconded; **Passed 5, 0.

As per State requirements for urban development, the County must respond to and address Logan City's comments on the proposed expansion as the proposal is within Logan City's annexation area.

6:10:00

Sands** motioned to amend the agenda to move Pepperidge farm to the next item; **Larson** seconded; **Passed 5, 0.

6:12:00

#2 Pepperidge Farm Master Plan Expansion

Harrild reviewed Mr. J. Victor Mahoney's request for a recommendation of approval to the County Council for a CUP to allow the expansion of an existing CUP to include the expansion of the finished product warehouse, a new packing area building, modification of the existing sub-station building, modification of the refrigeration engine room, expansion of the fabrication shop, expansion of the production area, the enclosing the recycling center, and expansion of the receiving warehouse on 298.19 acres of property in the IM Zone located at approximately 901 North 200 West (Highway 91), Richmond. Access is from Highway 91 and will need to be addressed by UDOT. Water rights are in place for this, and as far as waste is concerned, Richmond City takes care of human waste and they do have an agreement to make sure it meets Richmond City's requirements. We have received no comment stating it doesn't meet standards for other entities needs. Richmond City is supportive of proposed expansion. Staff recommends this request be recommended for approval to the County Council. Pepperidge Farm is going to

need to hire 54 additional employees to handle the increase in production. They're current parking lot should be able to handle those extra employees. The ordinance provides the Planning Commission the option to review and determine if parking as provided is sufficient. An additional finding of fact should be added to show that the existing parking area is sufficient.

Craig Zavilla we have a short presentation we would like to show you. We just want to take a little bit of time to tell you a little bit about Pepperidge Farm and what we are proposing. Pepperidge Farm was founded in 1937 by Margaret Rudkin and then was bought out by Campbell Soup Co. in 1961. The Goldfish crackers originated in 1962. The Richmond Plant was built in 1972. The Goldfish crackers are the fastest growing product line and are seeing significant growth in the western region. Our current oven capacity will need to be increased by the year 2014, thus the need for the expansion. This expansion will bring 54 additional jobs to the community. The current line capacity is 31 Million pounds per year. The proposed project schedule is for the ground breaking to take place in June of this year with the processing equipment to be installed in 2013 with production to start in 2014.

Beth Booton I'm just wondering about plant expansion and if any studies have been done in regards to air pollution with this expansion?

Runhaar they will have to meet certain air pollution standards with the state. Whatever the levels are determined to be, they will have to meet those standards and the state monitors the air pollution.

Mr. Zavilla we have met with the state and we currently are on a program where we monitor our emissions every month and then report back to the state.

Larson let the record reflect that the gift basket was not required for approval.

Sands motioned to recommend approval to the County Council for the Pepperidge Farm Expansion with the stated conditions and findings of fact with the addition of the finding of fact regarding parking; Erickson seconded; Passed 5, 0.

6:30:00

#3 Cherry Peak Ski Area Master Plan CUP (Logan Checketts)

Harrild reviewed Mr. Logan Checketts request for approval for a CUP to allow recreational skiing and other winter sports activities consisting of a ski resort base area and mid-mountain facility which will include four (4) ski lifts, a terrain park, a zip line, three (3) water storage reservoirs, and one (1) cable tow for 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 December 1, 2011 meeting.

Ciebien I do want to put on the record that I have received public comment and mostly I have referred them back to Josh. Don Linton and I did talk with some people today about this item but I have mostly been referring people back to Josh.

Runhaar briefed the Commission on the preliminary conditions of approval. Condition 4, which discusses access to the trail head, was reworded. The applicant has proposed to relocate the road leading to the trail head north by a few hundred feet. They will provide a 66 foot right of way for that relocation. The applicant will still need to apply to the County Council for them to abandon the current road and accept the new right of way. However, if the County Council does not accept the new right of way, condition 4, c, has been added. It states that no ski run may go over the road or existing right of way. A Ski Development plan will need to be submitted. Staff is concerned with the water issues. Staff is specifically concerned with culinary water rights; the water rights for snow making are not a condition requiring approval. The applicant is in discussion with Richmond City for a hookup for the sewer to their system, but there are other options available for them if Richmond City cannot handle their hookup. This septic system is not handled by Bear River Health Department; it goes directly to the state due to the size of the system needed. The road will be widened to the 20 foot requirement with a 2 foot shoulder all the way to the resort. In the sections where the road and the stream are too close together for a shoulder a guard rail will be put in place. The applicant must obtain all the correct permits and rights-of-way prior to recordation. This includes encroachment permits for the road work and contacting the Division of Air Quality for any necessary permits. For condition 10, f, we did receive some comments back from the Division of Wildlife Resources and they would like to have some say in what is replanted to make sure it is appropriate for the location. The applicant has indicated that they are willing to reseed the ski runs with vegetation that is appropriate for the wildlife in the area and to help with erosion. There are a number of agencies interested in the reseeding process and staff will try to work with all that are interested. The applicant does need to work with Richmond City in regards to the signage through the city for the resort. Staff is probably most ignorant regarding the lighting and we need to make sure that the lighting is appropriate for the area. That is the thing that is least known to the staff in regards to the wildlife study that was done. We have had an inordinate amount of comment in regards to the wildlife study. The only way for us to accomplish the review is to bring in an outside consultant to complete that as no one on staff is an expert in wildlife study. We are still receiving public comment on this issue and we are still working our way through that and identifying what we could utilize. We've had discussions on avalanche control, wildlife, and utility and roadway access. This gives us a good basis to start from in trying to address details. But at this point we need to look more specifically at the impacts on wildlife in regards to the road and other areas. There are currently no restrictions on operating hours in the master plan. The planning commission can impose restrictions on that. The County Council will need to address the road and winter maintenance. This would not be a high priority road for snow removal. Where it's a low priority road, it could take the county 2 days to get there and that isn't ideal for a ski resort. Also with regards to drifting snow, the county does not have the equipment to handle that and the applicant will need to take care of that. There are still issues that staff is addressing with the applicant and trying to work out with them.

Members of the planning commission asked about the standard in the ordinance for a Conditional Use Permit (CUP). There are 6 criteria for issuing a CUP, Runhaar read the 6 criteria. Number 3 deals with compatibility. If staff sees impacts, they try to mitigate those impacts. Problems arise when there are impacts that staff cannot mitigate. At this point the findings of facts are not completely finished and still being reworked by staff. Members of the planning commission felt that many of the public comments they have received reached conclusions that did not have stated clear facts. The planning commission would like to have

those facts to help make this decision. Also, the planning commission asked where the residues from the parking lot would go and what would happen to those residues.

Martin Bushman I am the Assistant State Attorney representing the DWR. We have some qualms in regards to this having no impacts to adjacent property owners. The Division owns 1300 acres directly west of the project. That land is critical to the mule deer and elk. The impacts on wildlife from this project are hard to quantify. There is no way that 800 vehicle trips up and down that road and the lighting will have no impact. The deer and elk might become accustomed and come back but they face another danger with the road and the possibility of being hit. Given the level of activity for this project, it will impact the area and animals.

Ellis do you have any comments in regards to the wildlife impact study?

Mr. Bushman our biologists have looked over and don't feel it is in depth enough.

Erickson did you have any say in that study?

Mr. Bushman no.

Ellis are you familiar with the firm that did that study?

Scott Walker we've worked with them in the past on other projects.

Dave Rayfield I've been asked to speak for the Rocky Mountain Elk Foundation. I can tell you a lot of money and volunteer hours have gone into this area to make it what it is today. We have seen many deer and elk that have been misplaced come to this area for wintering. It is interesting to note that you have asked them to plant browsing grasses for the wildlife when this is winter habitat and those areas are going to be ski runs. If this was a perfect world, we would have done a conservation easement, but due to lack of funds we were unable to. This is going to be a year round impact because most ski resorts have to have some summer activities to survive. It is also interesting to note that you have stated you don't have any knowledge of wildlife but yet you have been asked to make a decision on this item.

Logan Checketts I love the wildlife and the outdoors and love that people are concerned about that. I do want the county ordinance considered and where wildlife plays into the granting or disapproval for the granting of a conditional use permit. That is a very legal question and I would like to consider what the founding facts are for the consideration of wildlife. When we came back prior to submitting to the county and trying to meet with DWR, staff strongly encourage a wildlife impact study, but did not require it. I went out and did that on my own. I met with the county planners and the Stantech wildlife biologist and asked them if the study was what they wanted. They signed off on it and we had a direction to go from there. This private property where the resort will be was private property prior to the DWR acquiring their property. When they purchased their property the zoning was FR-40, which is the same as today. But when they purchased their property, did they take away the rights of the other property owners? I think those are points to consider when deciding if it is compatible with the neighboring ground. I have talked to both of the former owners of this property and was told elk was not part of the plan for this area. We have asked the DWR for their plan in this area and it did not exist

then, it might now. They did not have a plan to address their goals. We've tried to work with everyone within this area.

Katie Gourdeen I'm here with the Mule Deer Foundation. We have thousands of hours and funds invested in the deer within Cache County and have been asked to make you aware of that. We feel this will impact those deer, and that is why we are opposed to it.

Allan Collins I'm a farmer among other things and it always breaks my heart when I see good pasture and farmland go to developing homes. I've talked to city councils and basically been told if I'm so interested in saving farm land, to buy the land myself. Now I also believe in the Founding Fathers and the constitution. This is a private piece of property and the owner is trying to follow the law. You each take an oath of office and that requires you to uphold that law. That law specifically prohibits you from depriving a citizen of their right of property except through due process of law. That is what we are doing today, due process of law. Many people think we live in a democracy and that means if they voted to take my wallet, they could. But we live in a republic and that means that if I want to keep my wallet, I can do that even if they want it. Your job is to help me keep my wallet even though everyone else wants it. I think that the private property owner has the right to use their property. If the DWR or the neighbors want to see it used for other means they can go buy it and if the seller doesn't sell it, that's his choice.

Tim Wagner I am the chair of the board for the Bear River Watershed Council. I wanted to introduce Emeritus Professor Mike Wolf.

Professor Mike Wolfe I am an emeritus professor of wildlife for USU and owner of a small consulting business. I am neither for nor against this proposal. However, I did review the analysis that has been done and find it significantly lacking. It was a desktop analysis; one day in the field after the occupancy by big game. I think there are about 5 things that are true here. One, there is inadequate consideration of the probable offsite effects of development on the wildlife. Two and three, minimal consideration has been given to nighttime skiing and summertime activities. Four, there is no consideration of habitat lost from the road going through. Perhaps the biggest oversight is a near complete absence of reference to an extensive scientific literature on the impacts of recreation development on wildlife. There is a large body of literature out there in regards to this type of project and it's affects on wildlife and none of that is discussed. And finally, what I consider to be superficial and non-effective recommendations to mitigate these potential wildlife losses.

Dan Cox I've been involved with some of the development in the outlying areas in regards to Powder Mountain and work heavily in larger subdivision and developments. In this particular case I think it's nice that the state has already stepped up and purchased land in the area that they feel is adequate to preserve that land for wildlife. Some of the rights of the property owners predate those of the state's activity. I'm not sure if the state has stepped in to compensate the landowners to change some of the uses of the land. I don't believe that the impact in that area is any different than if a subdivision were to go in. We go into a lot of similar impacts. The state referenced a 1 ½ page document kind of mockingly when it appears to have been at least 14 pages. I think the party that prepared it put a lot of time and effort to prepare that for you and if the council has question you might want to address those to them. I think the state has gone to great lengths to preserve that area without affecting other property owners. I would hate the

thought of them coming to me and saying now that we've decided to do this, all of your rights for this land and the neighboring properties have changed.

Allen Christensen my family was contacted in 1985 by the Elk Foundation and after many considerations we decided to sell our land to them. So we are pretty vested in our expectations that we see a continuance of what have become a good wintering area and a unique engine for producing life in April, May, and June. I've read the wildlife report too and while I don't have anything behind my name I am a birdwatcher and go that way. There is a claim that gamble oak is in the area but it doesn't exist in that canyon. They also stated that goshawks weren't supported in this area and that surprised me when I have watched them raise kids in this area. Birds are birds and don't always follow the rules, but the wildlife report wasn't very thorough and it might have been due to money.

Dwayne Chattering if you're going to go skiing now, you're going to travel 50 some miles to Beaver. And there is a threat to wildlife on the highway; I've seen many dead deer. If you're going to go skiing at Cherry Creek, you'll be traveling 2 miles round trip across DWR land. Which is the greater risk to wildlife, 50 miles to Beaver or 2 miles across DWR?

Glen Glantz I do have something behind my name and that is I'm a certified wildlife biologist. I think everybody is aware of how inadequate the wildlife report is. In fact after last month's meeting, and I quote, Mr. Checketts said to me "it's a joke, isn't?" Is that correct?

Mr. Checketts I don't remember that.

Mr. Glantz some wildlife issues need to be addressed, some wildlife surveys. It's not easy to come up with the number of animals, but they are more than one deer but probably less than 200 or 300. Same with elk, you lose more than one elk, but probably less than 100. On this Sharp Tail Grouse lek, it's not too farfetched to imagine that a new disturbance in this area will probably mean that they abandon this area for at least a year. They start leking early in the season before skiing is supposed to be done. I think that could have a devastating impact on the sharp-tailed grouse in that area. I spend the majority of my time looking for raptors and they are a protected species. There are no representations of raptors in the wildlife report. I live in the area; I know there are three species of raptors that nest in that area. Two of them being owl species, owls start nesting in January and they are afforded a half mile buffer under the protection acts. Those are issues that have to try to be mitigated and addressed. In conclusion I think this activity on this site is not compatible with the adjacent land owners and I'm not sure it could be mitigated.

White is there a lek on his ground?

Glen Glantz no, it's on the Division's ground but this area is within that half mile area that is granted by the protections. There isn't a lot of research on sharp tailed grouse lek, but there is on a similar species, the sage grouse. There could be anywhere from a mile to two mile area for disturbance. The state of Wyoming grants Sage Grouse a five mile buffer. So even if it's a mile and a half, this ski area will disturb any leking ground on the Division's property.

White I own ground where there are 3 leks. I hunt from September to March and it hasn't disturbed them a bit.

Glen Glantz there are exceptions.

Ellis could you define a lek?

Glantz it's an area, usually less than an acre in size. The males generally come in the spring, and excuse my speech, but make fools of themselves. They call it strutting and puff up their chest and start drumming which attracts the females in. This is their courtship/breeding grounds

Dave Tolman I'm going to do both sides. I'm an avid hunter and I've done my part personally to eliminate the elk herd in that area. There are not as many animals as there used to be. They use to come across the highway past Mr. Erickson's farm and people killed them down there. They did become a problem at that time so we moved them back up. It's wonderful that we have 800 acres of ground that we have set aside for the animals. I grew up in Pocatello, and I grew up on a farm between the two golf courses there. When I was a young man I went to a meeting like this. All of the people were opposed to our dairy, they built a big subdivision across from our farm and those people didn't like our dairy. So the Council voted and said we couldn't have our dairy in that area. We were actually grandfathered in but they made life so miserable that we moved our farm to the Fort Hall Reservation. The people who bought our house raised pigs and the homeowners didn't like that, they went back to the Council and said we got to do something about pigs. The council said you made your bed now deal with it. This young man doesn't own the property. Mr. Chadwick and his sons do. They are entitled to have something to do with their property. I don't know if there will be anything that everyone will agree with. We need to learn to live with it and if we don't like we can move to the Fort Hall Indian Reservation and have a dairy. I know we affect animals, but we also affect animals when we take the opportunity to hunt them. The DWR has done a wonderful job to make sure the deer and elk don't come down into the city. However, right now on the upper benches we have a deer problem. It's always going to be there. You can't have them both; you're always going to have deer and people. I support both sides of this picture.

Ellis how many acres does the DWR own?

Scott Walker the Cheery Creek portion is almost 1300 acres and there is another northern piece that is about 800 acres.

Clifton Houlston I live close to this area and I spend a lot of time hunting in this area. What kind of mitigation is there going to be for loss of hunting opportunities? There are a lot of deer hunters that hunt next to the private property up there. I know for a fact that there is a lot of breeding of the grouse along that stream next to the proposed road change and if you go up there in April and March you will see all kinds of mating of grouse. What kind of affect is that going to have in that area? Another thing is that the hunting season goes all the way through January. There are a lot of hunters in that area and this affects not only Cherry Creek, but City Creek. There is a lot of excellent hunting up by City Creek and that probably will be closed as it goes quite close to some of the ski runs.

David Rosenberg I'm a Logan resident and long time resort and back country skier. I want to raise an issue that hasn't come up which is the need for an avalanche control plan. This is a really important issue because it protects people's lives. I haven't seen it addressed in public comment or the master plan and the issue is kind of interesting. In the sense that the avalanche danger at Cherry Creek isn't actually on the slopes that they are proposing, but is from the adjacent wilderness area on slide paths that actually go down into the resort where they are proposing lifts. Most ski areas control avalanches by using explosives and by ski cutting, and all of those practices work really well in ski bounds. The problem for Cherry Creek, the starting zones for avalanches are in the wilderness area and none of those control methods are allowed in wilderness areas or compatible with the adjacent wilderness issues. There is also another thing, the proposed top lift, some of the best ski terrain at this resort, and I say this as an experienced backcountry skier, are these slopes. These are the slopes that people are going to want to ski, they're going to want to leave the resort and ski those runs. The problem with that is that people are what trigger avalanches that can kill either themselves, or people on those lower ski runs. I think this is a really important issue that you need to look at. This can kill people and I haven't seen any ways to mitigate that.

Logan Checketts we've had avalanche specialist up there, Dave Scroggins is one. He's been to the sight, he's skied it and has talked about some of the same issues that this gentleman did and told us how to control it. In the wilderness area we cannot control that, we can control the two runs we own down into that area and we can control those. So the only time that people would get into the country that we can't control is to walk up into that area, further east from our boundary. They're going to have to be a backcountry skier, and hopefully will already know what to expect in that area. They know the dangers, the slopes, the layers of snow and what they need to do.

Rosenberg that's a really good point, arrow B does start in the ski area boundary and they can control that. A, C, and D they do not. Natural avalanches do exist so that risk still exists whether people will go into that area or not.

Mr. Bushman I need to make one point of clarification that may not have been obvious previously, neither I the state or the division are either opposing or advancing the interest of this applicant. I'm here specifically to give you facts that would help you make this decision that would be consistent with your ordinances and laws. One issue that you ought to be aware of is that the applicant will have to bring some form of utilities across the division's land to service this ski resort. The divisions land purchased back in the late 1980's was purchased using federal money and with that purchase came some strings attached to it. And those strings are that if the Division were to grant any type of easement or right of way for things like utilities that it has to receive approval from the United State Fish and Wildlife Service. With that approval the United States Fish and Wildlife will have to start a NEPA review. There still maybe some hurdles to jump if the utilities are intended to come across the Division's land.

Checketts I wonder why that statement is different than what I've understood in the past 6 months or so in our communications with you. More appropriately, why was that not in the letter from the DWR to the county?

Mayor Hall (Richmond City Mayor) we appreciate the opportunity to address you. We have worked with Logan Checketts for the last couple of years. Logan has been very up front with us and has been great to work with. I would like to refer everyone to the letters that have been sent to the commission and staff. We have two or three major concerns. That canyon is the major source for water for Richmond City. It's not like if something damaged that water we could shut off that source for 20 to 25 years. That area lies within our water protection area and it has been filed with the state. If this does get approval, we would hope that the resort be required to come to our sewer system so we can monitor what is coming out of there. We are concerned with traffic coming through our town. The traffic will go through school crossing zones so that will need to be mitigated. The road going up to that resort, we would like there to be turn outs along that road since it will be our emergency response teams that will respond to emergencies. Right now we think the only turn around points are the beginning and ending of the road. As far as the protection zone, we've had a report taken care of by the Utah Geological Society on that water zone and that has been filed with the state. We would hope that report carries a lot of weight. If they are given permission to drill, it still will be a depletion of that water source whether for Richmond city or the residents in the county along that road. We do have some major concerns that need to be mitigated and addressed and we are certainly concerned with this project going in.

7:48

#4 Elections of Planning Commission Chair and Vice-Chair

Ellis when we adopted the agenda we specified the time for another item. We need to elect our chair and vice-chair.

Sands I would like to nominate Leslie Larson as chair.

Olsen I motion to cease nominations

Larson nominated Sands for vice-chair.

Olsen I motion for nominations to close.

Larson was elected as Chair and **Sands** was elected as Vice-chair

7:55

Continuation of Cherry Peak

No action is needed by the Commission tonight. Many commissioners felt that more time was needed before the decision could be made to study the information given by staff and the public comment that has been received. Staff also does not feel they can accurately give an informed opinion on the wildlife study. The county needs to bring in an outside specialist to go over the wildlife study and give their opinion. The issue in regards to payment of an outside specialist needs to be discussed with the applicant.

Ellis we have a study done by the applicant that was done professionally, credentialed. We don't have anything done to rebut that that was similarly credentialed.

Public yes you do.

Runhaar we have the applicant's position and we have public comment that seems to rebut that. The county is going to have to take a position on that and staff is not adequately equipped to do that.

Checketts one of my first comments was where in the ordinance does it suggest or require a wildlife study?

Larson I think we need to continue this and there are many things that need to be discussed and studied and that is first of all the legal issue as to whether it is even a requirement to have a wildlife study done as a condition for this. If it is, we need to decide whether to have a specialist come in.

Ciebien Leslie, I think it would help with the very beginning of Clair's questions in regard to compatibility. To assess compatibility we need some outside help.

Larson we need some independent analysis of this and we need to discuss how to do that. We aren't resolving those questions right now, but those are thing we need to figure out for the next meeting.

Checketts to avoid conflict in the future; that analysis has already been done. Depending on your decision, you need to decide the depth of study required. I've already done what has been recommended, I went above what was required.

Larson if this was a court of law, and a jury was deciding, a jury would not go to an outside expert. They would evaluate the experts that had presented to the court. We're in a similar type of situation so whatever is brought before us is what we have to consider; if that's a fair analogy then that's the boat were in.

The commission was in agreement to proceed with the motion from last meeting and continue with that continuance of up to 90 days from the December 1, 2011 meeting.

8:12:00

Adjourned