



**Planning Commission Minutes: 05 April 2012**

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## Cache County Planning Commission

Minutes for 05 April 2012

**Present:** Chris Harrild, Josh Runhaar, Chris Sands, Clair Ellis, Phillip Olsen, Jason Watterson, Leslie Larson, Lamont Godfrey, Jon White, Denise Ciebien, Megan Izatt

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

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

**5:33:00**

### Agenda

*Passed*

### Minutes

*March 1, 2012 – Passed*

**5:35:00**

### #1 Digis Broadband St UTLOG004 CUP Expansion (Dennis Watt)

**Harrild** reviewed Mr. Dennis Watt's request for approval of a conditional use permit (CUP) expansion to allow co-location of 4 antennas and 1 microwave dish utilities on an existing communications tower in the Agricultural (A-10) Zone and Public Infrastructure (PI) Overlay Zone located at approximately 1300 West 1400 North, west of Logan. The current tower is 96 feet tall and currently holds 24 antennas and 5 microwave dishes. The road is currently 16 feet wide, but that is adequate for the existing use. The tower is in the airport overlay but a letter has been provided by the Federal Aviation Administration stating a "determination of no hazard to air navigation".

*Sands motioned to approve the CUP Expansion with the stated conditions and finding of fact; Ellis seconded; Passed 6, 0.*

**5:39:00**

### #2 Liberty Springs CUP (Tyler Smith)

**Harrild** reviewed Mr. Tyler Smith's request for approval of a conditional use permit (CUP) to allow a Residential Treatment Facility on 5.91 Acres of property in the Agricultural (A-10) Zone located at approximately 550 West Mt. Pisgah Road, Paradise. There was a problem with the notification for this project, the county noticed landowners 600 feet and it should have been 300 feet. As long as there are no more than 8 unrelated persons using this facility they do not have to do a rezone. The facility would operate 24 hours a day every day in the current buildings. The

facility will be staffed by 5 non-resident employees with the possibility of one or two resident employees in the future. Mr. Pisgah Road does provide adequate access to the site and the Bear River Health Department (BRHD) has determined the existing septic system as adequate. There currently are not fire hydrants in the area, but fire suppression will be provided by the Paradise Fire Department.

Staff and Planning Commission discussed the previous use of the buildings. It used to be used as a reception type building, and that CUP would still be valid for one year. The type of treatment is not that important unless it was for drugs and alcohol or a lockdown type facility. Those types of facilities would not be allowed in this area. Monitoring is done by the state and every six months the state sends a report of certified facilities in the county. Questions on the road were discussed. Members of the commission stated that the road is not 20 feet due to being washed out and sloughing occurring. The road department will check that out and make a determination.

**Tyler Smith** I am the applicant for Liberty Springs. This is for a focused treatment facility for internet use, gaming addictions, etc. This is for kids playing video games 12 to 14 hours a day. We want to bring them to the facility to help them earn some life skills. Counseling, and help them. There will be shared rooms, two per room. This is for 12 to 17 years old. They may have some other issues such as depression and anxiety, but as far as our business and treatment goes the boys are better off if there is a particular focus.

**Larson** is this primarily a boy's facility and what is the curfew?

**Mr. Smith** it will be boys only and the curfew will be 10. There will also be a night watch there at night.

**White** I think it's important to note that there is another treatment facility down the road from this.

**Mr. Smith** that is a treatment facility and there about 12 to 14 people there. As far as I know and have heard the experience with them has been good. We will have 8 patients; we would like to have more but can only apply for 8 at this point.

Staff and Commission members discussed the other treatment facility. That facility is for treating eating disorders and is all women. The company that runs that facility also has a facility in Petersboro.

**Ellis** is there any concerns with having these two facilities that treat different genders so close?

**Mr. Smith** I don't see any; we're not planning on interaction between the patients.

**Olsen** do you have any other facilities like this?

**Mr. Smith** currently no.

**Olsen** where did the idea come from?

**Mr. Smith** the first facility that focuses on this area was opened back in 2009 in Washington but it's for adults and this is for adolescents. We are pretty excited to be on the edge of this. I think you will hear more talk on this issue going forward and it is a big issue. Some of these boys already live in our neighborhood, I have one in mine. We just want to make a good space for them to come and recover and turn back to their normal life. I do have a master's degree in healthcare administration so this is interesting to me.

**David Smith** I am a neighbor of this facility. I have concerns about the boy/girl facilities and about the policing of this. I do have young children and moved to this area to raise my kids. I am concerned that the boys will want to come see the girls. I also am concerned with the increase of traffic and it's a nice peaceful area. There also is potential for growth and I'm wondering what it could grow into. The applicant admits that these boys could have other problems. Also, this is an agricultural area and isn't setup, to my way of thinking, for this type of activity.

**Brad Cole** I am also a neighbor and I have similar concerns. My concerns are if this could possibly morph into a commercial area. We are an agricultural area, and the increase of traffic etc concerns me. The around the clock nature of these businesses and also more night time lighting is a concern. I did have a question about what therapeutic recreation would be happening and what that entails. If I'm correct if they increase the size or went to a different kind of license, they would have to go through a whole different permitting process, correct? It's a lot hard to get rid of something that is already there.

**Ellis** what has been your experience with the existing facility?

**Mr. Cole** it's been fine. I'm not real happy that they have a bank of lights on all night, but they tend to stay inside.

**Mr. Smith** it's been good, we share a fence line.

**Mr. T. Smith** this is essentially less traffic than you have now. Right now it's licensed to do big parties and receptions and could have a lot of traffic. The boys will be in bed by 10 and up by 6. We will have an office in Logan so no staff meetings or things like that will happen out there. We're expecting two cars in the morning and two cars at night. As far as policing we do have a night watch and during the day there are counselors, recreation directors, and a facility director there. I have children also, and what I have done in modeling this is trying to decide where I could send my child to get help and that is what the structure will be. The fact that is agricultural zoning is appealing. It's quite and that's what these boys need, the fresh air, horseback riding, rock climbing, and fishing. Just getting them to enjoy the things they used to. You probably know a lot of people who play video games. They're not running out around town and they don't socialize. Mingling with the girls up there is not part of our program. We're teaching them how to work. There are some things around the property that needs to be done and they will be doing some of that. They need to do chores and things like that. The horses won't be on the property.

**Larson** none of the resident will have their own cars?

**Mr. T. Smith** correct.

**Ellis** how long do you expect residents to stay?

**Mr. T. Smith** it will depend on the each individual case, but typically 6 to 10 months.

**Olsen** can you guarantee that there will be no violent residents?

**Mr. T. Smith** there will be a screening process. We will bring them out and meet them and the parents and they get to meet the staff. There will be psychological testing and things like that. I can't guarantee that the boys won't push each other occasionally.

**Larson** but they are not offenders for whom it's this or jail?

**Mr. T. Smith** no.

**Mr. Smith** how are we to know with that type of turn over that we won't run into bad eggs. It would be a mistake on your part, but the neighbors would be paying for those mistakes.

**Rees Smith** my immediate concern is the violent tendencies of these games. With little kids running around the neighborhood that could be a concern. Also if these kids have a criminal background and how that is handled is a major concern.

**Kevin Ostergaard** Josh made a comment that it changes the applications if it is for youth?

**Runhaar** a different type of use, and this isn't a facility where youth who are being forced between jail and a program will come.

**Mr. Ostergaard** my own concern, I know it has been stated that traffic will be less, and I think it will increase actually. Yes they say only two people coming each day, but then it was mentioned 2 to 3 times a week they will be leaving for activities. My biggest concern though is we have faced this in the past; there is a water issue with the spring water. The lodge has run out before and has happened twice in the past. We've helped out and made arrangements to fill their tank off our well. I just want to make sure with full time residents that the water will be taken care of.

**Runhaar** the county has no jurisdiction over water issues. A water right guarantees that you have water rights, but not the availability of water

Staff and commission discussed the ordinance language. The intent of the ordinance was trying to make sure facilities that would be an alternative to incarceration would not be allowed in these types of areas. An additional condition regarding the shoulder and the road was discussed. Typically private drives are not dealt with until the business licensing, but an additional condition could be added about the private drive needing to meet the requirements of the fire code and district.

**Mr. Smith** I mentioned before the turnover could produce some bad eggs. Typically for the police to be involved there would have to be an incident and that doesn't do anything for my peace of mind.

**Mr. Ostergaard** it was 4 or 5 years ago when we bought our property and we were in a meeting like this and Avalon Hills was looking at a facility over in Wellsville, an expansion or something. In that conversation there were comments that there couldn't be two rehabilitation centers within a certain distance of each other. Does that not apply here?

**Runhaar** we had looked at that when we were amending the ordinance, but the federal government states that you cannot have a spacing standard.

**Paul Norman** I have lived in Paradise my whole life. I hate to see the encroachment of commercial businesses in the area. The applicant has already stated that he would like to expand the business and we don't want to see this turn into a commercial area. I would urge the committee to not approve this conditional use permit.

**Ellis** what would it take for them to expand the facility?

**Runhaar** they would have to rezone the property.

**Sands** how did the other facility come into place?

**Runhaar** it was approved before the changes to the ordinance.

**Larson** we are not dealing with a rezone. We are not discussing changing the zone. All we're talking about is how to make this permitted use work with the surrounding area. Sometimes those uses are not able to fit in with the area and the conditional use permit would be denied. What would helpful from you would be to know the kind of conditions that would help this facility fit in with your community.

**Don Webb** I represent MCW Properties who currently owns this property. We've had the fire marshals out there for the last three or four months and they have given us stipulations that we have to meet for this. We have been working on meeting those stipulations and dealing with water issues. We do have permitted water and are guaranteed water rights. If we need to address the water we will. As far as a commercial development out there, it's not possible. There is no sewer, no city water because we aren't in Paradise. There is no land out there for development and there really isn't much hope for a commercial development out there. We've met with the county to find out what can be done out there and this is one of the two permitted uses out there. I know kids in our community who need this program. There is no other place in the country that is doing this and Cache County can be known for helping kids.

**Mr. T. Smith** background and criminal checks are part of the application process. I am happy for Don's comments and perspective on this. Can you imagine, considering the code that has been read and the permits and licensing that we have to go through, to live in an area like that. It's restrictive and a protective code that we have to follow between the department of health, department of licensure, and what Josh read off. We have to live up to that code and we want to. As far as expansion, I'm talking about going from 8 people to 12 people living there that don't drive. There are more people that would be in the house, but not additional traffic. There is no intention of opening another facility next to this or building on to this. These people already live

among us and it is a growing problem and we're trying to help them. I think it will benefit the community and is fabulous opportunity to be part of.

**Mr. Norman** I don't think anybody that is here is disagreeing with the need for this type of a program. I'm sure it will be very beneficial for the youth in the country today. But I'm sure that most of us would agree that if it was next to you, you wouldn't want this in your backyard.

Staff and Commission members discussed the location and the other treatment facility located near this project.

**Godfrey** this other facility, what does it do?

**Mr. T. Smith** eating disorders.

**Godfrey** has there been any problems?

**Larson** the neighbors in the area have stated on the record that there hasn't been.

Staff and Commission discussed the treatment facilities between Mendon and Wellsville. The treatment facilities there are owned and operated by the same company servicing the same clientele. There have been issues with other treatment facilities, but none have occurred with the Avalon facilities. There has been one complaint in regards to a student leaving a facility and walking down the road, but that student was sent home and nothing criminal happened. The commission does understand the not in my backyard feeling that neighbors are experience, but this facility doesn't seem to be a threat to the community. A conditional use permit may be pulled for review if there are multiple complaints or problems and a permit may be revoked if no measures are taken to correct the problems. Many members feel the proximity issue is the most compelling argument to deny the application, but there is a legal precedent for that being over turned.

*Watterson motioned to approve the conditional use permit with the amended conditions;*  
*Godfrey seconded; Passed 6, 0.*  
**6:44:00**

### **#3 Armor Storage CUP Expansion (Curtis Knight)**

**Ellis** recused himself on this issue due to knowing the applicant.

**Larson** I need to state that I represent an estate that has a 1/9<sup>th</sup> interest in the property. I don't have a personal financial stake in this; I'm just disclosing that I'm kind of peripherally related to the adjacent property.

**Harrild** reviewed Mr. Curtis Knight's request for a recommendation of approval to the County Council for a conditional use permit (CUP) to allow the expansion of an existing storage facility on 9.33 acres of property in the Agricultural (A-10) Zone located at approximately 4400 South Highway 165, between Nibley and Hyrum. This is urban development so the Commission is only a recommending body and the County Council is the approving body. Due to the urban

development, comment from Hyrum City needs to be taken into account. The intent of this project is to add 6 more storage buildings, and 97 additional parking stalls to store vehicles. The ordinance states that for self-storage units, no outside storage is allowed. So that needs to be amended. Hyrum City has stated that they are fine with what is happening but they would like to see them continue what has been started to the East be extended, specifically a row of trees and also they would like to see only nicer vehicles stored there. Hyrum City doesn't want to see someone's old broken down vehicles there. But that becomes a moot point if it is all enclosed storage. Access to the site is from 4400 South and they will use the existing access which is adequate. However, the portion of 4400 south that extends along parcel #03-063-0014 must be improved to meet the local road standards. Also there are some drainage issues on 4400 South that are currently being assessed by the County Engineer and Road Department. The previous drainage plan doesn't seem to be working so that will need to be addressed with this expansion. Further improvements to the shoulder drainage and/or to the site may be required in respect to drainage concerns across the roadway. The expanded facility will increase the traffic of about 40 additional cars per day. Proper storm water retention facilities will be required to prevent increased flow onto adjoining properties. Access for the fire department is adequate and there are existing fire hydrants for the proposed expansion. Staff recommends a partial approval based on the stated conditions of facts, but is denying the request for outside storage as the county ordinance does not allow outdoor storage.

Staff and Commission members discussed the storm water/water issues. At the last expansion there was a request for an onsite manager but that is not allowed under the county ordinance. While the current building is built to include a residence, it cannot be used as a residence. The office currently does have restrooms, so there is water there, but culinary water won't be dealt with until the residence can be occupied. The storm water plan will need to be able to handle all water coming off of the site whether it comes from rain or snow.

**Curtis Knight** I am the owner. I have been doing storage units for 29 ½ years. I really didn't plan on expanding, but hearing the comments from the community it's needed. I like everything that Hyrum asked for. By the second water retention pond we will have a second access and we'll continue the landscaping along that as well. We will do the landscaping. We did plan on having to make improvements to meet Hyrum, Nibley, and the county's requirements for the road. We did have to deed 20 feet over to make the road straighter. As far as drainage, I don't think it has to do with our property but the other property on the other side. The water has always run down the road and crossed, there has never been a culvert there or something. Nothing ever undercuts the asphalt except when the fire department ran the hydrants and then they came right out and fixed it. We will have an engineer design the storm water retention ponds and do those the right way so that there will be no problems with them. We try to do these really nice and we get better and better as we build them. We've applied for some out in Mendon and they showed pictures of some other storage units showing garbage and things like that, but those aren't mine.

**Olsen** is all the storage units full?

**Knight** all the larger units are full; all but the 5x7 size are full. The smaller ones are mostly for college students that don't want to take everything home for the summer.



**Curtis Larsen** I own the property directly north of this. My only concern is when they did the first phase they substantially raised the road and I get my water from the ditch that runs down the north side of the road and I'm having difficulty getting water. I feel he or the county should have had to pipe that ditch. I don't know if the planning on the next phase is to raise the road again, but that affects me on the other side. Those are my concerns.

**Larson** your suggestions would be to...

**Runhaar** the road had to come up on the first part because UDOT has a specific landing requirement. You need x number of feet at that site and then you can start dropping off. The road used to be low and then you had to climb the road. The road should start tapering back at this point.

**Mr. Larsen** my concern is whether he's going to have to raise the road a bunch again because that land slopes off quite a bit.

**Runhaar** the requirement is going to be the same as before due to the width. As to the elevation and grade of the road I don't know until it has been engineered. If they can taper it off I'm guessing that would be the best thing for them because it costs more to build it up.

**Mr. Larsen** my concern would be if he can slope up to his property that would be better for me.

**Runhaar** I can't answer that until I have seen a schematic of the road.

**Mr. Larsen** my big concern is that I need to get irrigation water down there and the ditch is down the north side of the road. It runs right down my property. The road is pretty narrow; you can barely run two cars down the road. It does slope down to where my property is but my concern is getting water. I think the first section should need to be piped by either Curtis or the County. I can't just go clean it out. With it sloping off that far you are always getting slough off into the ditch. The other concern would be to contain the garbage that blows. Every time that I wanted to water I had to clean out the ditch from the garbage that was blowing into the ditch and I would like that to be taken care of this time.

**White** is this a county road?

**Runhaar** it is.

**White** let him move the ditch over. What I'm saying is the County has 33 feet of property due to the right of way. Let him move the ditch over.

**Mr. Larsen** as long as you could build the road and keep it up. How steep is it going to be to get to my fence? I'm just voicing a concern

**Runhaar** when we built the first section of the road we set the road more to the south on purpose because there is an irrigation headway near where the turn off is. So we actually shifted the road south to try and avoid the irrigation. We were still able to get the road in our 66 foot wide alignment. I don't know what to do beyond that because we don't typically replace or pipe irrigation ditches unless the road widening has to move them.

**Mr. Larsen** I don't have a problem moving the ditch to my property but it would have to go across another person's property to reach mine. The head gate is on county property right now and goes straight down the fence line. That's my concern right now that I be able to get water and that the drainage works. With the last phase there was always water. There is a canal directly west that it could drain into easily if done right.

**Sands** you have a condition in here that addresses the road design and that kind of thing. In other instances when we have interrupted irrigation we've put a condition in that states we don't want to disrupt that irrigation?

**Runhaar** we don't put a condition in there but it is an item that we work on. I know we did a lot of review on the first time to make sure we were not impacting it. I guess it wasn't done satisfactorily because the road had to be brought up so much. I think on this next section the road is already tapered down near to where it is at. The road will need to be raised a little bit but it's not going to be the 2 to 2 1/2 feet that was done at the road intersection.

Staff and commission discussed the affects of the road improvements on irrigation. If the irrigation problems happened due to the road, the applicant needs to go back and fix them. However, the road was moved further south to avoid problems with the irrigation and the head gate.

**Runhaar** is it inhibiting the flow of irrigation or just your ability to clean out the ditch?

**Mr. Larsen** Nibley put in a water line at the same time. Right now I'm having a hard time getting irrigation down that ditch.

**Runhaar** I think that the road was less and issue and that the water line was the main problem.

**Sands** I've had a similar experience where roads get improved and the fill starts to slough off in to the irrigation ditch.

**Runhaar** I think in this case it was the trenching that happened with the water line. We had numerous complaints about it and we had to identify who put the water line in. Unfortunately it's a county road and they didn't have a permit to put the water line in, so we didn't even know about it until after the fact.

**Mr. Larsen** I'm the only one who gets water down the ditch except for Jerrold. Nibley was great to work with and they cleaned out the ditch. The part that is in front of Jerrold's where the road is so steep has never been cleaned out substantially and it's very difficult to get water down.

**Runhaar** we'll go back and make sure we review that issue.

**Larson** can you address any of that?

**Mr. Knight** Nibley put in an 18 inch water line and it was going down 10, 12, 16 feet. They just filled up both ditches it's not me that filled that up. Mr. Larsen did call me about it and I had my

guys get a backhoe and clean it out. It used to have all kinds of weeds in it and it was so full of weeds and it looks good right now. It looks like to me it would flow water just fine. We shifted the road considerably to the south. I can see there could be concerns where it sloughs off. I hate to make improvements to the side of the road that doesn't benefit us and then it become cost inhibitive to use. We're trying to keep it cost productive. If you go look at it it's better than what it was.

**Mr. Larsen** if he thinks that looks better he hasn't looked at. I burned the ditch all the way down, but not on Jerrold's piece. Its chuck full of weeds and looks horrible right now.

Staff and Commission members discussed the ditch issues. The commission will make it a condition upon impact. If the engineers decide that the road caused the problems with the irrigation ditch, the applicant will have to fix the ditch problems.

*Olsen* motioned for a recommendation of approval for the Armor Storage CUP Expansion to the County Council with the addition of the condition regarding irrigation water; **Watterson** seconded; **Passed 5, 0.**

**7:21:00**

#### **#4 Storage Bin CUP (Scott M. Lyman)**

**Runhaar** reviewed Mr. Scott M. Lyman's request for recommendation of approval to the County Council for a conditional use permit (CUP) to allow self-storage units and retail sale of moving supplies on 2.61 acres of property in the Agricultural (A-10) Zone located at approximately 4632 North 300 East, south of Smithfield. This is within Smithfield's annexation area. We have received comments from both Smithfield and Hyde Park. Smithfield is located one parcel to the north and across the street. There is multifamily housing that is being built and existing multifamily dwellings there as well. There are a large number of single family homes on large acreages in the area also. The project is using lot 2 of the Estancia Eastfield Subdivision. This was originally created as two lot subdivision potentially for residential development. They're proposing 7 buildings, and an additional office building. There is an issue with them wanting to sell moving supplies, but the ordinance specifically prohibits that. We have received comment from Smithfield stating their objection to this project. If the land is annexed by Smithfield City, their ordinance prohibits this use in this area. Additional Hyde Park provided comment and it was similar to Smithfield's comments and written in support of Smithfield's objection. The access for this project is adequate, but will require a culvert. The water and septic is much like residential because that carries over from when the subdivision was done, they do have the ability to put a septic system here and do have culinary water rights. The biggest issue that we want to bring up is compatibility. Part of the requirements for a CUP is that this use is compatible with the character of the site, adjacent uses, etc. There is a concern with how this application is going to work with the larger area. If you look at the zoning for Smithfield and Hyde Park, this piece of property is in their residential areas. The only commercial uses they have are along the high way corridor and the only industrial zoning, which is where both cities place this use, is on the west side of the highway. The concern is that if and when these cities grow together, this would be an industrial use in the middle of residential areas. You have multiple homes in this area and there is likely to be more homes built in this area. In

Hyrum, there are not many single family homes there and that area is likely to turn into a commercial area. That is not likely here. Staff is recommending denial due to Smithfield's objection and according to the ordinance under 17.06.070 it is not compatible with this area. Also retail sales are prohibited within self-service storage facilities.

Staff and Commission members discussed the location of the project and Smithfield's objections. Some members have problems with the issues of compatibility in this area of the county for storage units. In the past Smithfield and been very discouraging about storage units. Also, some members are concerned with setting a precedent of using this type of discouragement for not allowing development. The Smithfield Units proposed a few months ago were surrounded by Agriculture.

**Jim Gass** I work for Smithfield City. There was just a large set of storage units completed near the chevron station in Smithfield on the south end. There are a lot of areas that are zoned for storage units, but there currently isn't any property for sell in those areas. We do have a lot of storage units in Smithfield.

**Ellis** what zones are storage units allowed in?

**Jim** we have several zones that allow storage units. We do have several storage units in Smithfield. The point I wanted to make today is, for instance when the storage units went up on the west side it wasn't compatible with our zoning and general plan for that area. We did write a letter expressing that we didn't feel like that was a good area, but you didn't see anyone here from the city. But tonight I am here because this area is critical in our minds for future development in that area. In 1992 we joined with Hyde Park City because we both knew that once the sewers went in there was going to be a clamor about urban sprawl between Smithfield and Hyde Park. We spent months devising a plan on how this was going to develop. I think everyone recognizes that at some point in the future that is going to come together. Frankly I hope it is well into the future but only time can tell. But we came together and one of the primary themes that came out of that, and it was refreshing to see it in Envision Cache Valley, was that we wanted to grow as cities from the inside out. We don't want urban sprawl. That is one thing that was stated in Envision Cache Valley. That is what the valley wants to see and we have worked for the last 20 years trying to maintain that vision and we've done a really good job. The reason for that is we hold the trump card for water. We've tried not to extend water out to areas unless the need was there and as we've developed our general plan and as Hyde Park developed their plan we've taken those measures to prevent urban sprawl into those plans. When we look at our city we know the highway is going to be commercial, and it is. Then we move to multiply family and then we move onto single family zoning. We want a community that people want to live in and feel comfortable to live in. And we've been doing that and are growing out as needed, but now we have an individual who doesn't need water from the city. Who can now just bring a commercial development in and plop it right in the middle of this area that we are trying to create and preserve for our communities. That is what our concern is and why I am here. Mr. Lyman came in and he talked about annexation and we informed him we would love to annex him but we don't want storage units in that area. That is not what we want to see as a community in that area and he said that's fine I'll go to the county and they'll let me do it. And that is why we are here tonight. We have to rely on this body and the county to help us preserve the vision we have between Smithfield and Hyde Park. We are going to grow there and we want

to grow there and do it the right way. With that I just want to answer your questions and express our concerns because we feel this is a critical place for our community.

**Godfrey** why haven't you annexed it?

**Jim** We can't annex it unless it is requested.

**Godfrey** that's right but you can work to get that.

**Jim** we are working with the neighbors on that and we would love to be part of it. If he would come in we would take it in a heartbeat. Obviously there are some reasons for why we want to do that and the control would rest with us on how that would develop. We would be happy to annex this. We are working with a family that has a parcel to the north and that's just an area we feel belongs in the cities. It's not a big area any longer and we would be happy to take it.

**Ellis** looking at the map, there is a red area a couple blocks west of there; would Smithfield permit storage units in that area?

**Jim** yes. Parts of that are general commercial and community commercial and they would be allowed there.

**Ellis** or would you rather have them all west of the highway?

**Mr. Gass** we would rather have them all on the Westside, however we did just complete the ones behind the Chevron station and that is on the eastside.

**Runhaar** we did generalize the zoning for this. I believe there are six commercial zones in the cities and we just colored them all red.

**Wayne Benson** I own land right to the east of this and if you go to the north side of it is owned by our family. We feel that by putting storage units there it isn't compatible with the area. We are working to get this annexed by Smithfield and want to get it annexed. When we purchased the land we felt that in talking to Jim we understood this would be single family dwellings and that's what we anticipated. We don't feel that it is compatible. When you were reading the things I felt very good because that is the way we felt about not allowing it there. We are worried if these units go in it will turn into commercial property and we don't want to see that. I agree with Jim with the way the city has it outlined to develop. We appreciate the city and their plan.

**Larson** the building right to the north, is that a home?

**Harrild** it's a shop.

**Andrea Lowe** we own the property to the. I want to applaud Smithfield City because they do have some sort of plan and I would like to encourage the county to appreciate that. If we had thought that storage units were going to go in here, we would have annexed sooner. We were thinking that there was no hurry, but now we realize that there is and we would have started the

process sooner. We want to be in the city so that we do have that control we see this like the city that it will be a place that will be more dense smaller homes and so that people don't have to settle on the bench. We think there is a need for that, not that we are in a big hurry. Also, I wanted to comment on the storage units in Providence. We lived in those twin homes for awhile and if you had a chance to buy one of those homes that abutted the storage units or abutted the other residential, I think most people would have next to other homes not the storage units. I think most people would agree that they do not want to live by storage units.

**Ellis** I do agree with what you are saying.

**7:48:00**

**Olsen** left.

Staff and the Commission discussed the compatibility of the units with the surrounding area. While storage units are conditionally allowed in the Agricultural zone, this location isn't a good fit for storage units. The language of condition 2 was discussed. The sentence is meant to read that the location for this project isn't necessarily a good fit or desirable for the area. It was pointed out that the commission just approved over 400 storage units in another area because the location was deemed necessary and desirable for those units, with this project that is not the case. The other thing to note is that annexation is imminent in the area.

*Sands motioned to extend the meeting to 8:15; Godfrey seconded; Passed 5, 0.*

The commission also wanted to point out that Smithfield does allow storage units to be built in other areas and strongly encourages storage units in the commercial/industrial zones. I will be amended to include "alternative zones are supported for these uses (CHECK WORDING)", 2a will be taken out and b will be left.

**Jerry Petersen** I live at the west side of Paradise. Just a comment from an overview, it appears to me that the council is working very hard and accommodate requests and working on language that will accommodate requests and make sure needs are met. I might just comment that I believe it's probably within the council's right and ability to say this could be in conflict with what Smithfield and Hyde Park wants. They are a large part of our community and despite the fact that we're the council, we should maybe sidebar this for a little bit until we have further discussion with Smithfield and Hyde Park and try to work out something that works for both parties. I would hate to see, just because it's a county issue, that the language gets reworked in favor of the requestor. So that people in Hyde Park and Smithfield don't feel like they have to annex all this land just to preserve the direction they would like to go.

**Larson** thank you, perhaps we hadn't done a good enough job communicating the direction we are trying to go. I think we are drifting in that direction to work with Smithfield and Hyde Park and the applicant isn't even here to support their application and we're left with what we have from Smithfield. Hyde Park's position is being considered as a courtesy because they don't actually have any legal standing here. But we are giving some deference to the fact that Smithfield and Hyde Park have been working together because they know they are closing in

together. It helps to hear from the public what they think they are hearing from use because we need to do a good job of communicating what we are trying to do.

*Ellis motioned to continue the item until the next meeting to allow the applicant to address some of the issues; **Godfrey** seconded;*

Many commission members expressed dissatisfaction in continuing the item until the next meeting due to the applicant not making the effort to be present and due to other community members making the effort to be here and express their concerns.

**Vote: 2, 3 (Larson, Sands, Watterson voted nay) motion fails.**

*Sands motioned to recommend denial to the County Council based on the amended three findings of facts; **Watterson** seconded; **Passed 5, 0.***

**8:11:00**

### **#5 Swift Beef Company Upgrade Pond 3 Rezone (Don Summit)**

**Harrild** reviewed Mr. Don Summit's request for a recommendation of approval to the County Council for a rezone of 70.17 acres of property, currently in the Agricultural (A-10) Zone to include the Public Infrastructure (PI) Overlay Zone located at approximately 4195 South 1200 West, north of Hyrum. Pond three is going to be capped to help capture the methane to power the plant. The land needs to be rezoned so that the company may apply for a conditional use permit to redo the pond.

**Watterson** will this result in lower odor level?

**Don Summit** it will indeed do that. We have two stinky lagoons right now that are leaking and the state has told us we need to either line the lagoons or decommission them. We are going to decommission one lagoon, which we don't need permission to do. But we are going to decommission the one lagoon and use the other lagoon to help power the plant.

**Watterson** can you speak to the safety of the project?

**Larson** in other words is it explosive?

**Mr. Summit** yes, but not to the point that it is a concern.

**Runhaar** I did talk to Hyrum City today and their concern was in regards to the odor and they are excited to reduce the odor.

*Sands motioned to recommend to the County Council approval for the rezone; **Watterson** seconded; **Passed 5, 0.***

**8:16:00**

**Watterson** motioned to continue the remaining items (*Spring Ridge Estates Rezone*); **Ellis** seconded; **Passed 5, 0.**

Staff reported back on the Cherry Peak Ski Resort. The Board of Adjustments did hear an appeal and upheld the planning commission's decision unanimously.

The Planning Commission requested that an amendment to the county ordinance be drafted regarding storage units.

**8:23:00**

**Adjourned**