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Planning Commission Minutes: 03 May 2012

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Cache County Planning Commission

Minutes for 3 May, 2012

Present: Chris Harrild, Chris Sands, Clair Ellis, Phillip Olsen, Jason Watterson, Leslie Larson, Jon White, Denise Ciebien, Megan Izatt (Runhaar was excused).

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

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

Agenda

Ellis motioned to move item #3 and 4 up on the agenda before item #2 and to add a 5th item to discuss storage units, no action will be taken on storage units; **Watterson** seconded; **Passed 4, 0.**

Minutes

Watterson motioned to approve the minute from 5 April, 2012 meeting with the noted changes; **Ellis** seconded; **Passed 4, 0.**

5:36:00 Sands arrived.

Consent Agenda:

#1 Benson Country Estates Subdivision and Boundary Line Adjustment (Thomas Willmore)

Harrild reviewed Mr. Thomas Willmore's request for a recommendation of approval to the County Council for a 2-lot subdivision and boundary line adjustment on 20.26 acres of property in the Agricultural (A-10) Zone located at approximately 4100 West 2600 North, Benson. The applicant will need to add 2 foot wide shoulders on the side of the road for the portion of 2600 North along the frontage of the parcel.

Chris Sands arrived

Watterson disclosed that his brother owns property adjacent to this property.

Ellis moved to remove item #1 from the consent agenda to the regular agenda; **Watterson** seconded; **Passed 5, 0.**

The Commission and staff identified that condition #3 should read "the shoulder" and not "each shoulder".

Mr. Tom Willmore I spoke with Chris about the road. It is quite a deep barrow there on the one side and I will be willing to build the shoulder.

Larson Do you understand that this does require a permit?

Mr. Willmore yes, I do know that.

*Ellis motioned to recommend approval to the County Council for the Benson Country Estates Subdivision and Boundary Line Adjustment as per the findings of fact and the conditions of approval as amended; **Olsen** seconded; **Passed 5, 0.***

Regular Action Items:

#2 Benson ATC# 277924 Conditional Use Permit (Ronnie Fuller)

Harrild reviewed Mr. Ronnie Fuller's request for a conditional use permit (CUP) to allow an unmanned communication facility that includes an 80 foot tall monopole tower, twelve antennas, two future co-location areas on the monopole to accommodate up to 12 additional antennas at each location, a 12'X20' equipment shelter, a generator, and a 500 gallon propane tank on a 50'X50' leased area of a 5.18 acre property in the Commercial (C) Zone located at approximately 2346 West Airport Road, Benson. This is located in the airport overlay zone; however the FAA has issued a determination that the tower is not a hazard to air navigation. Currently Darrell's Appliance is located on this same piece of property. Darrell's has a free standing sign that was in violation with the county ordinance; however they have changed the sign so it is no longer in violation. Access to the site is adequate and the fire district has determined that access is adequate for emergence vehicles and the water supply for fire suppression will be provided by two existing hydrants. Staff recommends approval based on one (1) finding of fact.

Staff and Commission discussed the southern boundary line.

Ronnie Fuller I represent the application before you and don't have any comments.

*Watterson motioned to approve the Benson ATC# 277924 Conditional Use Permit with the stated findings of fact and conditions of approval; **Ellis** seconded; **Passed 5, 0.***

#3 Paradise Town Water Tank Conditional Use Permit (Lee Atwood)

Harrild reviewed Mr. Lee Atwood's request for a Conditional Use Permit (CUP) to allow the construction of a 250,000 gallon underground culinary water storage tank for the Town of Paradise, on 2.0 acre parcel in the Agricultural (A-10) Zone located at approximately 650 East 9000 South, east of Paradise. The new tank will be located next to an existing tank. Paradise will need to submit a copy of their permit once it is received from the state.

Olsen** motioned to approve the Paradise Town Water Tank conditional use permit with the stated findings of fact and conditions of approval; **Ellis** seconded; **Passed 5, 0.

#4 Spring Ridge Estates Rezone (Justin & Steven Taylor)

Ciebien this item needs to have a public hearing, and this is a public meeting not a hearing, so we need to put this on next month's agenda to meet the noticing requirements for a hearing.

Larson however, with that said we are still going to take public comment at this meeting and it will be part of the public record, but we will repeat the item next month.

Ciebien the difference being that if this was a public meeting, this body could move to have no public comment and that would be within their right.

Larson there will be no action taken on this item; however everything but action can be done at this meeting. I do want to apologize to the applicant for being put off one more month since they were not able to present last month.

Harrild reviewed Mr. Justin and Steven Taylor's request for a recommendation of approval to the County Council for a rezone of 349 acres from the Agricultural (A-10) Zone to the Rural 2 (RU-2) Zone located at approximately 2150 North 8000 West, Petersboro. Currently, according to County ordinance, the RU-2 zone is not supported by the Cache County Comprehensive Plan. The only guidance provided with the ordinance is that the RU-2 Zone must be appropriately served by suitable public roads, have access to necessary water and utilities, and have adequate public service provisions. Access to the area is most likely to be from State Route 30, 8000 West, and/or 2400 North. Any access from State Route 30 would require approval from UDOT. Portions of 8000 West are substandard and there are many issues that will need to be discussed if a subdivision is brought before this commission. Currently there are hydrants every 500 feet along the east side of 8000 west that serves both phases 1 and 2 of the existing Spring Ridge Estates subdivision. However, the capacity of the existing water system has not been shown to be able to accommodate this added development and would need to be detailed out and reviewed if the rezone is approved. Garbage and recycling would be handled by Logan City. There is a concern on the County's part with providing snow removal and other road services in a timely manner for a development of this size in the unincorporated County. There currently is an issue with road maintenance and many of the residents are concerned that the addition of 174 more homes will make it worse. At this time staff is recommending denial for the rezone based on the noted findings of fact that; the rezone does not advance the general welfare of the county, the burden to service and maintain this type of development pattern is not in the best interest of the county, and the county is currently unable to effectively maintain urban type developments of this size and scale. It needs to be noticed that this is a legislative action, not an administrative action.

Staff and Commission discussed, A Utah Citizen's Guide to Land Use Regulations and the numbers that the staff report uses to reach the conclusion of this development's possibility of costing the county more money than the tax base would bring in. The numbers used are an average from across the county for each residential dwelling.

Larson we have received a letter from Adam Burris. He has stated his objections to the scale of this development. He has also raised the issue of an earthen dam. He has a state approved earth dam on the south west of his property that could cause problems for residents of this area if it

were to break. He is just making us aware of a potential hazard in this area and states that he doesn't oppose a reasonable development of this area but that this section of the development should be excluded.

Justin Taylor I am an agent for the property owners. We have done extensive research and planning and development to even see if this is a feasible area for development. Some of the concerns that have been discussed are valid and we do need to preserve good agricultural land. Those of us who love Cache Valley and want our children to stay here need a place to grow and develop. We don't plan on this developing out in the first year, the second year, or even the third year but as the need arises. There was talk about a number of open parcels of ground that have been approved and not been developed. We've actually started to see the number of properties for sale has drastically decreased recently due to the number of sales increasing. We have read the ordinance and are familiar with it. The main points of adequate water and utilities, and adequate access for public services have already been established. A water company has already been established and approved by the state. It's the same as if the homes were being built in Logan. We have storage tanks and fire hydrants for fire suppression and have met those requirements. We are trying to meet a higher standard with the road in regards to access and sustainability of the road. Many of the county roads are chip and seal roads where this will be asphalt. This is dry farm, non-irrigated. If you look at the BRAG soils, this is one of the lowest producing soil areas in the county. We've had a whole study done to really look at all of the key points. The road will continued through from High Country Estates and will meet that same standard. It is an asphalt road and is a wider, more substantial road. There is a new well that was completed in 2011 increasing the flow rate of the water. The water company that has been established will continue to grow and serve more property owners and the state has discussed with us several times to meet some of the current needs that are pressing with surrounding townships. All the necessary precautions have been taken to establish water and fire suppression for this area. The water will be piped in from out of the county and will not be coming from existing water sources in the area. We've been in discussions with Questar to bring gas lines in, but currently there are propane tanks out there. Garbage will be taken care of by Logan. The revenues for the county will increase as more people live out there and the density increases. It takes just as much time to drive out there for one home, then if you are driving out there for several homes. By clustering, which is the first part of the ordinance, by having a development of this magnitude in one area it helps to reduce those costs and starts bringing in more revenues. The tax increase, the increment on the taxes, the property tax is a nominal tax. But the current growth we're seeing out there is not Cache Valley moving out there right now. We are bringing people from lots of other counties who are moving up there to build homes. The snow removal, there is an inter-local agreement with Box Elder County and Cache County. The first part of High Country is in Box Elder and the other part is in Cache County. If you look at the area Box Elder has already allowed a 2 acre density in that area. They approved the first phase of High Country. If you look through that corridor, the zoning maps of that area of Box Elder are denser then what Cache Valley has and we are just trying to combine the two. There are adequate roads for emergency vehicles, snow removal, etc. The lighter parcel on the map is where the 29 lots are that were just approved for rezone. Impact fees have been discussed as have special circumstances. We've had those discussions with Lynn Lemon and the tax assessor. Those will come before you with the master plan when the rezone is done. The revenues will increase as the clustering does. The denser the subdivision, your revenues for trash removal and other things are going to increase. Of the 29 lots that were just approved on 70 acres, 40 acres have been left

as open space. There has been talk of donating part of that to the County for a regional park out there. There have been many discussions and we've talked with all levels of the county.

Steve Taylor we've also had a major discussion of a sewer district out there to help handle the waste out there correctly. We aren't asking for a specific number of lots. But we are asking for an appropriate sum to bring something back to you that has been well developed. We've been looking around the state at other subdivisions to get ideas to plan this well and bring that back to you. We are not coming in here to get this in. We are not trying to put 500 homes on the hillside. The property owners are looking to put a nicely developed and planned subdivision in that has the appropriate sewer, water, and other things done. It currently is A-10 and like Chris has stated when we first came in and talk to the county about the 70 acres, we were told we could have 5 divisions. So we kept looking at that and deciding how to make it work, we wanted to be able to do more and so when the RU-2 came in we sat down with your staff and worked it out. The other thought is that, the developers were looking at, would be a regional park at the top of this. It would interface with the mountains and would have areas for horseback riding. We are trying to plan this effectively and bring those types of benefits to our community. The owners do own the property on the east side of the highway and would keep that strictly agricultural. The other point is this is only a step. The owners were looking at some commercial to be there on the highway at some point in the future. This area could support employers on that side of the valley and could be adapt to do that at a later date.

Watterson as far as sewer, your direction is to pursue a sewer district?

Mr. S. Taylor we are looking at doing a full sewer district. We've sat down with people who are very knowledgeable in this area and there are several options that could possibly work. We would bring all that back into you and show you what we are going to do with any proposed project.

Watterson I had in mind septic systems, when I first looked at this proposal. That worried me where this is a ground water recharge zone.

Mr. S. Taylor we understand that.

Ellis depending on the drain and the ground water and all of that, there are some advantages to leaving the waste dispersed and not necessarily collected. I don't know the best for that area with this scale of development.

Mr. S. Taylor in all honesty, we don't know all of that either at this time but are working on the details.

Larson I have a question about the water company. Who will administer that and if there is trouble with the water, where do people go?

Mr. S. Taylor it's a step at a time. Alton had the first foresight of the water company. They put in the first take. We have taken steps and are in the process of interviewing an actually water treatment individual who would monitor and run the water system. That is required by the state and we've had several individuals who have interest in that. They would monitor it just like if it

were a city. There is an administrative board that would monitor that also. It's monitored by a public utilities commission.

Watterson is it a private entity or public?

Mr. S. Taylor it's private and owned by both partners. It's owned by Petersboro Partners and there is another entity that owns 38%.

Sands so it's a private entity, but regulated by the state.

Mr. S. Taylor correct. There is no distribution other than back into the water company. If we do hire an operator that is the only wages that would be paid.

Larson would there be an opportunity for an individual to opt out and put in their own well or would there be CC&Rs requiring everyone to be part of that water company?

Mr. S. Taylor all the subdivisions are structured and will have CC&Rs, but you can't place private wells in that district area.

Ellis the scale of this operation is hard for me to wrap my mind around. I supported the previous rezone because I could understand where all the facilities are coming from. This seems to be a development that will take 20 to 30 years to fill. I think the burden is on the applicant to show the suitability of it from the county's point of view and I think that would require more documentation than has been provided. I think we need an assessment of the roads, water, the number of homes and how they would be serviced. I would expect to see several pages on each of those topics with more information. I was here when Spring Ridge was approved and I think it makes sense to rezone that area so it doesn't have to 5 ½ acres of lot and that wouldn't require as much evidence. I think there needs to be a generalized plan of the area at large scale and then going down to these individual things. That hasn't been done yet and I don't want to have to guess at it.

Mr. S. Taylor when you talk about Spring Ridge that is half of the space that we are talking about. In order for them to sit down and come to you with any sort of plan, when you get into all that level, it has to meet with your approval anyways. We're asking for a zone level that allows us to plan and try to do clustering appropriately. The road that goes down to the church may come straight down to the highway instead of jogging. So there are access issues out there and there are a whole lot of issues need to be done. But the drill down you are asking about comes down after the rezone.

Ellis looking at each of the items that are required for what an RU-2 zone requires I would like to see more discussion on those items. Not the level of where the lots and roads will be. I think there ought to be some plan as to how the requirements of the RU-2 Zone will be met. Not a subdivision plan but more an overview of the utilities, more of what needs to be done to accommodate this scale of development.

Mr. S. Taylor we have most of that done and can bring it to you at the next meeting.

Sands I had similar thoughts and comments in that regard. It really is just kind of a master plan for the area, not a site plan. My question is; it's the largest scale project that we've looked at since I've been here, and it is out in an area that you can visualize this being sort of a new town development. I'm curious as to why you are asking for RU-2. Why not take a more comprehensive look and say that you are looking for more uses for this area in addition to residential. For this type of project of this scale, that seems like it would make a lot of sense.

Mr. S. Taylor we are interested in that.

Mr. J. Taylor your question about the commercial has been discussed and we have allocated ideas as to where we want that. The sustainability of that would be partial to the density that we could acquire out there. When we come back with the subdivision plat, there would be more detail about that.

Sands I just have a feeling that a lot of people are going to be asking what's next with the scale of a project. I think everybody is not naïve in knowing that there are bigger plans in the water than what is being pitched.

Mr. S. Taylor to clarify, there are not going to be more projects from this group but maybe from other individuals in the area that have asked about being involved. The type of plan you are talking about is really a 25 to 30 year plan and is not something that is going to happen anytime soon. We've meet with the folks that developed Sarasota Springs and Eagle Mountain. When they went into the county at first pass, everything was 10 acre density and they had large parcels that were going to be left over and things like that make it harder to subdivide. So where do you start is the question. We are asking for an appropriate density for the mountain side as it is now so we can take the necessary steps to plan it out. It might take several years to do all this and it is a planned processed. This is a long term plan with the appropriate infrastructure addressing what you are talking about as we take each step. We can share more info at the next meeting that gives more detail about what we would like to do.

Sands I feel like we are saying that this project has been brought to us and is at such a scale that it almost demands some of this information that we might not ask smaller subdivisions for.

Mr. S. Taylor we will have more information at the next meeting.

Watterson as we detail the scope of the project, we've talked about different levels of infrastructure, it feels like a municipality.

Mr. S. Taylor it could be.

Watterson have you explored that option?

Mr. S. Taylor not enough bodies at this point to explore that option. There has to be a number of voting people to vote on it first of all and in that area there are not enough people.

Watterson is that the final intention of the project?

Mr. S. Taylor it could be in the future, it could be the future Petersboro. I'm not saying that is what is going to happen; it could be something else in the future. All I'm saying is that yes that is the long term intention.

Ellis if that is the case, then I'm wondering if it is in the county's interest to rezone this RU-2. It could end up being a subdivision that doesn't tie in with the county. I think it's in the county's view to have more detail. I could be convinced on it, but we need some more answers.

Mr. S. Taylor we've looked at several things and one of those being frontrunner come up here.

Ciebien what did they say?

Mr. S. Taylor it's a long term plan and there are several steps that have to happen first.

Ciebien you should probably work with Bob Fotheringham because he has signed a contract to research the master water plan for the county.

Mr. S. Taylor and we have talked with him.

Harrild the major concern for staff is that the county doesn't have anything in place to support a development of this size. We are already short of funds and there is nothing in place to make this work or function properly to support that size of development. Just looking at the potential for the RU-2 zone, it is difficult for staff to see the connection there to support that size of development.

Larson that would be one of the things if you could address that.

Mr. S. Taylor I don't want to try to address that right now.

Larson the cost analysis, what it costs the county, and if the county is going into a deficit position because of the road out there; if you could address that. You mentioned early the cost of one home vs. the cost of 170 homes if they area already going out there. If you could address that concretely that would be helpful. If we could have some break down of that cost that would be very helpful.

Harrild the point that staff would have, would be to address becoming a township or incorporating as a town or city. I think it's been shown, in the experience of the valley, that when a group looks to incorporate a portion of the population, it is unlikely that the population will support incorporation due to the higher taxes.

Larson I think that's another argument. We've seen where people have done and not done it. It can be done, but the probability is another thing. I don't think that is as important for tonight.

Harrild I just wanted to point out that there have been a number of comments to the planning commission. Those have been updated and added to the county's website and I try to keep that updated.

Larson what is helpful for us, when we have a controversially matter, it's very helpful to address some of the questions that we've raised that we need to look at in our evaluation and to try to not be repetitive. That's not to say you can't all have an opportunity to comment, but it's helpful if we can address a variety of issues.

Raeghn Torrie I am a boundary property owner and a joint owner of Autonomous Solutions and we own the property where there is an agricultural experiment station. We are not zoned commercial for that because it is agricultural. I really liked Chris's point that rezoning this for RU-2 you are giving it the potential, whether it happens in a year or 25 to 30 years, you are giving it the potential. What does this rezone do for Cache County? The potential that it can be, or whether his verbal promises to do it at 70 homes or whatever; after the rezone they can legally do up to 174 homes there. A big issue that I have is there is a through road and that goes past my house. It was the better route when the highway was shut. We didn't live there at that point, but our agricultural station was there. There was a lot of traffic at that time but I wasn't as concerned at that time. But, I live there now, my children walked down that road to the bus stop about 1 mile. There are about 5 blind corners on that road currently. I've already lost one child, and I don't want to lose another. This is huge to me. Even if they say all the traffic will go the other way. That is a county road and people can drive that road whenever they want. If there are 174 homes there, and they are participating in the county, they won't want to go all the way around to that other road. And, if it is paved they are going to want to drive that way even more and they will go faster. If this is rezoned there needs to be a stipulation. Those blind corners will need to be taken care of and some of my land will have to be used for those easements. Those easements must be taken care of first. I understand the County has easements also. But if you look at the terrain of the land, there is a huge slope that affects those blind corners. It will take a huge amount of land to take care of those blind corners. I understand that there is access from the highway. But the reality is that taking that other road is the better route. That was posted in the Herald Journal as the better route and the road took a beating. We, as landowners, to get approval for our Agricultural Experiment station put \$180,000 into bringing down the slope on the north side of the road where this development is going. After that happened, a lot of the work that we had done was severely beaten. My main point is, is it really a safe place to have an RU-2? I understand that we want to move homes away from great irrigable land, but if you look at the terrain here this isn't the right place for this development. This doesn't have much of a point besides what I've already said. A year and a half ago we were given a grant for a wildlife preserve. We have been developing that, so with the development coming in I would assume that this wildlife preservation would no longer have wildlife. With that many homes and that much traffic nearby it would damage that. If the county road was brought up to speed, there is a natural flow of water that happens with all the drain off. It goes right to the lower spot near our Ag. Experiment station. The road had probably a 3 foot canyon in it from all the water drainage. Even asphalt probably won't hold up with the spring rains or even with this past winter melt down. Asphalt will not be able to sustain that. If traffic is going to go that way they will have to access our personal driveway. The county put a sign at the front of our driveway stating it was a county road, but it is not. It is a personal driveway. When that lower portion of the county road was washed out, that is the only way to get through by accessing our personal property. Also, I don't have trash service at my house because we were told that the roads were not substantial enough. I take all of our trash over to our business every week. Buses don't access there, garbage doesn't. Also, we do our own snow removal. That was an agreement we had to do with the county due to all the drifting and the roads.

Olsen where is your home on the map?

Ms. Torrie the boundary line where they are starting to develop, this is the county road that curves over. Our business is right here, the wildlife preservation is right below our business near the county road. And our home is right about here on the map. We have two different parcels, one for the agricultural experiment station and a 6 acre lot for our home. Darrin Cox is above us. We are the house below where Darrin Cox is below our home.

Ciebien I'm sorry for your child's death, where was he hit?

Ms. Torrie sorry, that didn't take place in the county. It's just close to my heart for me and that is why I brought it up. I know with the blind roads it will be very scary for my children to walk up and down that road with that much traffic.

Larry Olsen I am a life time resident of Petersboro. I have just completed a history of Petersboro. Petersboro is more than the 300 acres; it's about 30,000 acres of land. I have many things that I would like to say. Mrs. Torrie, in my mind there will never be a road out to the south side; the County will never do it because of all the work that would be needed. The land on the eastside of Highway 30 was better land than what they are putting the houses on. I don't understand that. That land is in CRP and has been for 30 years and they can't grow anything on it. The Kidman property on the other side, if you have watched it through the years, is very wet in the bottom. It's so wet that they can't farm it many years. I have my own farm which is right next to Darrin Cox's property. There is an incredible trust level I have on this, and I don't want to hurt anyone's feelings. I've known the people who have bought this property for many years and they've had me run their farm. I've known for a long time that there was always something in the background that they have wanted and I wasn't sure what that was. When they start talking about Sarasota Springs and Eagle Mountain, I don't think you compare this to that. There was nothing out there on the side of Lehi to begin with. The property has been available since 2005 and I think there is a total of 15 homes out there. The population of Petersboro is quite different. Up until 1970 there were only about 20 homes there and then something happened and more people came. As of 2010 there are now 126 families in Petersboro, so we could incorporate if we wanted to. But we don't need to have High Country Estates make their own town up there. There are many subdivisions going up out there. There are 200 some odd wells that have been dug or permitted out there. I've always been told that the storage tank is 100,000 (gallons) not 250,000. And I was told they were going to add 100,000. I understand that the well that they are digging is an experimental well and I'm not sure they had permission to do that. The sewer, this is not like Providence. This is not rocky, or gravely. This is hard black clay. My son built a house with this group last year to Petersboro, and they had to put in 100 to 200 feet of laterals to support a family of six. That water out there sits and doesn't settle. It's great beautiful soil and we don't need irrigation because it holds water and that becomes a sewer problem. I was talking to the family who runs this land that they are building on and in the years that they have been running it, those wet spots are gone and they farm over the top of them. The wet springs are totally gone and I think that indicates that there is going to be a water problem along the line. I don't have problems with them bringing water in from other areas, but I do worry about water and sewer. We all know this is one of the most beautiful sites of the valley and to add several homes is not worth it because there are several open subdivisions

already. I don't know anyone who wants to live along a steep hill and there are no flat spots along this subdivision. I hope you and the council do not approve this.

Jack Fryer I'm known as John Fryer on the county records. My family owns the farm that is adjacent to much of this property that is being asked to be rezoned. Our water right now is shallow wells and shallow springs and that is where our water is. We are definitely concerned about where the waste goes and as Larry pointed out it doesn't absorb very well. It takes a lot of laterals and drain system to set that up. The property when it was surveyed I gave Josh and Chris a note today that the property line is in dispute between the Petersboro Partners and my family. I brought that to the surveyor's attention two years ago when it was done and nothing has been said about that. As far as the roads go is to only drive up 2400 and come back in on 8000 west that is the only way. I guess if you go to the expense with UDOT to make a turn out, I guess they could eventually have other access but right now it's 2400 north and then 8000 west. The picture that they have painted is not a reality. It's what could be, and what might be, it's not a reality. In line with what Mrs. Torrie said, don't let them do this because once they have it, they have it and it doesn't matter how many times you say no, as soon as you say yes they have it. I would hope that you would really consider this and this is a pretty picture being painted but not a reality.

Olsen would you please show us where your property is located?

Mr. Fryer All along there this property line right here and it comes done and across here. Mr. Olsen's is right below it and this lane goes up to Mr. Olsen's farm. Our property is right here and along the top and we own property across the highway.

Alan Burris I am the original developer of Spring Ridge Estates. I didn't intend to make comments tonight. It disturbs me when a developer makes an application for a subdivision or rezone and that they have to backup every statement that they make and document it in triplicate. I need to challenge some of Mr. Olsen's comments. I built that reservoir and I know for a fact that it is 250,000 gallons and they do have a permit for that well. It's not an experimental well. They had all the proper permits. On the trust factor, and the idea that these people are trying to do something shady is not true. When the public makes these outrageous comments, I think they should be required to support them.

Vern Nielson I live on the valley view highway on the river. I used to live in Nibley and developers came in and told me it would be years before this was developed and two years later I had 94 homes around me. It depends on the economy, but these guys are in there to make money. If you give them 174 homes, they will put in 174 homes and push it to every limit they can get. That is how developers do it. I bought 40 acres out here and put my home right in the middle of it to get away from developments. I've lived in the valley for 40+ years and they always told me that there was a water issue on the Westside of the valley and that it wouldn't be developed. The water that is there is not high quality water. I've talked to 30 residents out there and 1/3 of them have problems with their wells. Even though they have a water company, where does that water come from? I haven't heard that. They did a moratorium on water in Cache Valley in 1999 and found that the water in the valley had already been allocated so they quit issuing irrigation water. Here the issue is domestic water, so if they add that many homes over here what is that going to do to my well? In the last year and a half I've had a decrease of flow

due to the development that has been happening out there. One other issue, Mendon soil is very notorious for erosion. What's going to happen when they start digging around up there and have a good rainstorm? All that soil is going to wash away and I haven't heard anything to address that. I've been looking at his road and he's stated that he has a decent road. I have 2 feet of road base, 8 inches of road base and 3 inches of asphalt. He's going to do less than that for the road and I have a problem with that. I hate to see development on this side of the valley due to the water and soil issues. There are plenty of places currently that have been developed with open spaces. We had Envision Cache Valley that stated we want agricultural ground to be left alone. If you're going to do this why did we waste the county's money on Envision Cache Valley?

Larson thank you. The issue of water has been brought up, the water and the wells and water rights go through the Division of Water Resources and they approve that. You can rest assured that we amateurs don't delve into that area that we don't know very much about it. That's why it is important to watch for hearings on changes in the points of diversions and all the water rights issues. Watch for those hearings because that is where you can make your case regarding water.

Colin Hadfield I know you've already talked about the water. I thought I would address it a little more from the personal standpoint so you would understand it better.

Larson you are clear that we don't issue water rights or take them away so there is nothing we can do about the water part of it except to verify that they get their water rights from the Division of Water Resources? We don't make any allocations.

Mr. Hadfield my intention is to make you better aware of the situation.

Ellis water is specifically mentioned in the RU-2 Zone requirements. I think in general discussion it is okay.

Mr. Hadfield the background basically is that we drilled a well in 1979 and I think it was the first well out there. We had initiatory rights to that water and I talked to Bob and he came out and tested the well. Over the years production of that well has gone down slightly as more wells have been put in. Our well has run dry because of the water problems out there. Some of the water wells out there are sweet and some our sour due to the sulfur and they have to do things to fix it. I think my point is that when developers ask for different things they should be responsible for the cost and that damages that are done, or may have been done. When you talk to the water rights people they will tell you there is no way to prove anything. If you guys let them have a subdivision, and a lot of these wells go dry or have too low of production, we're going to be left high and dry. That's the way it works. If this is approved, I think the developers need to put some money in a fund to help with that. That issue needs to be considered. People are getting damaged in this area and are not being compensated. I've personally had to put a lot of money into my well to fix my problems. You've approved subdivisions in this area and the water has gotten worse. There is no way for me to seek restitution for time and money put into fixing my well. You guys need to consider the impacts, not only the impacts of desecration of the land, but also there are some actual costs. These developers are getting away with that and you need to consider that, in my opinion.

Mr. S. Taylor some of the comments that have been made are totally out in space in my opinion. I know who farms the land and it's not any of the names that have been mentioned and I know where the water came from and so on. This gentleman back here talking about water rights is probably right because we experienced the same thing when we drilled our second well. We've had several lots in a subdivision and every one of them has a well on every single lot. They draw from each other's well, and I concur with that. When you allow that type of situation to occur and all the lots have to drill separate wells, the well drillers don't talk to each other. So I fully agree with what has been said. The only reason I bring that up is we have very stringent guidelines that we have had to meet. They do capacity assessments from the state that we have had to meet. When we drilled down on our well, we had to block off several draw points so that we didn't affect the other wells around there. We've been told what we could and couldn't do and in other types of subdivisions what has been explained does happen. The four partners who own Petersboro are upstanding members of the community and they can invest where they want. It's just what it is; they are good people and have a desire to make their investment grow.

Larson it's unfortunate how these things unfold sometimes because I know many of you and I know that you have known each other for a long time and been friends and neighbors and what not. When an issue like this comes up it can become very contentious and it may be helpful for you to know that our decisions are not based on our perceptions of somebody's character or lack thereof. Our decisions are based on the facts that are presented to us and the applications of the law, the needs and policies of the county are what guide us. We go on the facts that are presented and that is why Mr. Ellis is asking from some concrete facts to show the direction of where this is going. You don't need to disparage each other because it won't make a difference here.

Staff and Commission discussed what a legislative decision entails. With an administrative decision staff can go back to the ordinance and extensively detail out if something is permitted or not based on the ordinance. With a legislative decision it is different. The findings of fact come from what the commission and the County Council decides they should be. However, some members of the commission would like to see more details based on the ordinance's requirement that the area be adequately serviced by roads, water, and utilities. Staff asks that the commission look at the requirement that the development advance the general welfare of Cache County and the citizens of Cache County. The Commission asked that staff investigate and research the zoning directly adjacent to this project on the Box Elder side of the county boundary and ask the Box Elder County Planner's opinion and objective for the zoning in the immediate area.

Olsen** motioned to set a public hearing for the Spring Ridge Estates rezone for 6:00 pm at the June 7, 2012 meeting; **Watterson** seconded; **Passed 5, 0.

Ellis** motioned to continue the Spring Ridge Estates rezone to the next meeting on June 7, 2012; **Watterson** seconded; **Passed 5, 0.

Ellis** motioned to give priority to amending the county ordinance to make storage facilities not permitted in the Agricultural Zone and only a conditional use permit use in the Industrial/Manufacturing and Commercial Zones at the next meeting on June 7, 2012; **Sands** seconded; **Passed 5, 0.

Harrild noted that staff is supportive of the change regarding storage units but would like to see the entire use chart be approved. Staff is concerned that the changes to the use chart and definitions have been before the commission for more than 18 months with no decision and minimal discussion.

8:02:00

Adjourned