



**CACHE COUNTY CORPORATION
DEVELOPMENT SERVICES DEPARTMENT**

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Planning Commission Minutes

02 August 2012

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Cache County Planning Commission

Minutes for 2 August 2012

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

Start Time: 5:25:00

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

5:32:00

Agenda

Passed

Minutes

Passed with noted changes.

5:34:00

Regular Action Items:

#1 Swift Beef Upgrade Pond 3 Conditional Use Permit (Don Summit)

Harrild reviewed Mr. Don Summit's request of a recommendation of approval to the County Council for a conditional use permit (CUP) to allow the lining and capping of an existing sewage treatment pond on 70.17 acres of property in the Agricultural (A-10) Zone and Public Infrastructure (PI) Overlay Zone located at approximately 4195 South 1200 West, between Nibley and Hyrum. This item qualifies as urban development and so final approval must come from the County Council. This area does lie within Nibley City's annexation area and Nibley has given verbal support of the proposal and will also submit a letter in writing before the County Council sees this issue. The current request is to fill Pond #2 and eliminate it entirely, line and cap Pond #3 for power generation, and make the necessary updates to the existing infrastructure to support the use of biogas from Pond #3 for power generation. This will not change the level of use that currently occurs on the site. Staff recommends approval of this item.

Staff and commission discussed the requirement from the EPA for a storm water permit. The county requires that no extra water runoff occur and if there is extra storm water runoff the applicant will have to deal with that. The county is requiring that the applicant provide a copy of all the permits the state and the federal government requires for this project.

Don Summit I work for JBS Swift. There is a requirement for the storm water permit. It is a blanket form that the state requires we fill out and it requires us to check it once a week and pay

the fee. We have the paperwork all filled out but haven't submitted it with the fee because we need your approval first. We have already received permission and funds from our head company in Colorado.

Sands thank you for sending me the additional information after the last meeting. Could you please highlight it really quick for the rest of the commission?

Mr. Summit first, it's going to be used in our boilers. We have to sterilize the utensil we use to cut the meat between every cut and that requires a lot of hot water. We can supply a ¼ of that need with the methane we will be capturing. This will also supply a ¼ of the need for the cogent project also. This is considered a reusable natural resource that can be harnessed and used.

Sands it is a great benefit for air quality.

Watterson as far as safety and odor, there will be benefits?

Mr. Summit It will actually help to get rid of the smell. Ponds 4 and 5 don't actually smell.

Runhaar we did not have to notify Hyrum about this, but in the past they have always been supportive of action that will help reduce the smell.

Sands motioned to recommend approval to the County Council for the Swift Beef Pond 3 Conditional Use Permit with the stated conditions and findings of fact; Watterson seconded; Passed 6, 0.

5:46

Public Hearing

#2 Armor Storage Hyrum Rezone (Marshall Saunders)

Olsen motioned to open the public hearing; Godfrey seconded; Passed 6, 0.

Harrild reviewed Mr. Marshall Saunders request for a recommendation of approval to the County Council of a rezone from the Agricultural (A-10) Zone to the Industrial Manufacturing (IM) Zone of four parcels; a total of 24.82 acres located at approximately 50 West 4400 South, north of Hyrum. When a CUP is issued it is appurtenant to the property. This is important as some parcel numbers have been swapped around and those changes have been noted in the staff report. Two of the parcels have already received a CUP for storage units, the other two parcels have not. The County Council did approve the ordinance amendment as recommended by the Planning Commission to only allow storage units in the IM Zone with a CUP. Staff would like to note that we have received comments back from Hyrum City. They are in opposition to this rezone because the area is in line with Hyrum's annexation plan and they do not want the IM Zone in that corridor between Hyrum and Nibley. They have requested the applicant pursue annexation into Hyrum City. Staff feels that it is appropriate to rezone the two parcels that are currently connected with the existing CUPs for self-storage. However, the other 2 parcels are currently agricultural. If the applicant does go ahead with a process for a CUP for the other 2

parcels it would be considered urban development and the county would have to request input from Hyrum City prior to any decision. As for access to the site, 4400 South to parcel 03-063-0014 is currently inadequate and must be improved by the proponent as part of previous CUP. If a rezone is approved, access requirements would need to be addressed at the time of permit application. Also, the applicant would need to have additional hydrants for fire suppression if the structures are built more than 450 feet from the existing hydrants.

5:56:00

Ellis recused himself due to personal reasons as regards this application.

Staff and commission members discussed services that are currently provided to the site; Nibley City is the current service provider. If the rezone is not approved, the non-conforming use of the first two parcels where storage units are currently approved was discussed. Staff suggests that these two parcels be rezoned to the IM Zone and the other two lots to remain as A-10. Many commissioners were uncomfortable with rezoning the two lots that are currently tied to CUPs to the IM Zone when Hyrum has expressed dissatisfaction with the rezone.

Marshall Saunders we received the letter that storage units were no longer going to be acceptable in the A-10 Zone. From our stand point those lots that are proposed for the rezone are a potential expansion for us. The other reasoning for that as well is to allow outside storage. Currently in the A-10 Zone the county doesn't allow outside storage. We still want the facility to look nice and don't plan for junk to be out there. We did have a meeting with Hyrum and personally, we would rather have it commercial. But currently in the County we can't have outside storage and industrial allows us to have that outside storage that people are asking for.

Larson in your meetings with Hyrum, what transpired?

Mr. Saunders their main concern was having someone may come in later and an undesirable business may go in. They would rather have us go commercial. My understanding is that there are a couple of lots between us and Hyrum City that would have to be annexed.

Staff and commission discussed possible annexation and applying for a CUP for the other parcels before the ordinance change. The application for the other parcels would have been denied due to the ordinance change.

Wayne Jewkes we own the ground directly west of this proposed zone change. Our concerns are not a lot, but if you change it are they just going to put storage sheds on it? The water levels are already raised in the northeast corner of our pasture down there. They've raised the ground over there and it's forced extra water into our field. All of our ground is under agricultural protection and we are worried about any changes they make to the irrigation system. We're also concerned with the trash and things coming into our fields.

Mike Jackson I live directly to the east of this facility. We're not opposed to the storage unit out there, but we do have problems with the lighting that is out there. Our bedrooms are always lit up, even with blinds. My concern is with the buildings and what goes in there after this

possible rezone. I bought this because it was residential/agricultural area and that's what I want it to be.

Staff and commission members discussed the lighting issues that were raised. Unless lighting was brought up when the CUP was approved, the county doesn't typically require special lighting.

Mr. Saunders As far as the lighting, it's a great deterrent to theft.

Sands yes, but it doesn't need to be sprayed everywhere and bug your neighbors.

Olsen do you have plans for those other lots?

Mr. Saunders we are waiting to see how the new units fill up before making plans.

Mr. Jewkes we already are having problems with water in this field and I can't get in there to cut without problems with the water. If they are putting that new pond in then what is that going to do to the field? The natural slope of the ground is to the west and that water is going to settle right into my field and come further up to the south.

Larson were you dry there prior to this development?

Mr. Jewkes yes they have been, but our fields have always been dry by the time we cut.

Larson I know these two parcels well, and they've always been wet.

Mr. Jewkes yes, but by the end of June the fields would dry out and we could cut our hay.

Sands with the natural slope being west, in what way do you think the storage units affect the water on your property?

Mr. Jewkes the ground goes to the west there and the natural drainage comes around this way. If they put a pond right here I'm concerned it is going to be wetter.

Sands it's not that the existing development has created more water on your property?

Mr. Jewkes yes I believe they have forced more underground water down that way. The development is forcing all the water down into that northwest corner from all that area.

Runhaar they are putting drain lines in from south to north. So instead of it sheet falling straight west, we're draining it all to the ponds and also draining it from the ponds along the northern edge of the property. The south end is probably drying more than it is used to and the north end is getting more water. I'll have to talk to the engineer.

Larson is that an accurate representation?

Mr. Jewkes yes that sounds like what is happening.

White where is the ditch?

Mr. Jewkes there is a ditch on the south side. But there is no ditch here or down around here.

White isn't there a ditch on the north side of the road? Before we were worried about a culvert for the north.

Runhaar we will get an engineer out there to look at it and determine what is happening with the water.

Mr. Saunders just to be clear that the future retention pond is going to be on this parcel right here and that far west parcel is still agricultural. There is what is called an orifice plat that goes in the retention pond that controls the amount of out flow.

Watterson where is the water drainage going after the pond?

Mr. Saunders I would have to go back and look at the plans. There was a small ditch on the south side that it was draining into, but I'm not sure with the expansion if that is what it is still doing or if it's to the north.

Harrild the plan was for it to go through the culvert from the south side of the road to the north side, into the existing ditch which leads to the existing drainage and then back to the south side of the road through another existing culvert.

Sands motioned to close public hearing; Watterson seconded; Passed 5, 0.

Staff and commission discussed the possibility of allowing storage units in the Commercial Zone. Some commissioners expressed concern about the requirement that storage units are only permitted in the IM Zone as there are other potential uses that may also be permitted in that zone with greater impact. The Commission also expressed concern that such a rezone opens the door for some businesses to go in there that would not be the best as this area is the gateway to Hyrum City.

Sands motioned to recommend denial to the County Council for the Armor Storage Hyrum Rezone with the noted changes to finding 2 that includes findings of denial for all 4 parcels; Watterson seconded; Passed 5, 0.

6:40:00

Clair returned to the Commission.

#3 Discussion – Amendments to Title 17 – 17.07 Definitions, 17.09 Schedule of Zoning Uses

Runhaar we received two responses to the use chart. We are suggesting that we have everyone submit their suggestions back in the next week and then we can resend it out and have a very focused discussion at our next meeting.

Staff and commission discussed storage units and in which zones they should be allowed. They discussed the possibility of splitting the IM Zone into a light and heavy use. That would require going through the existing IM Zone uses and designating if they will be light or heavy. Many members still feel like storage units should be allowed in the commercial zone. However, allowing storage units in the commercial zone also opens the door for any type of warehousing to go in the commercial zone. The potential for what could come after the storage units in those areas is what concerns most members of the commission. Staff will go ahead and build out a distinction between light and heavy industrial for discussion at the next meeting. Animal Production and crop land production was discussed.

Sands motioned to change the next Planning Commission meeting from September 6, 2012 to September 13, 2012; *Ellis* seconded; **Passed 6, 0.**

7:10

Adjourned

NAME

TOPIC

Bryce Wilcox - J-U-B Engineers

Cache Water Restoration Project

NEFL GARCIA - TAEC/Verizon Wireless - Sardine Site

Rodney Archibald

~~Rodney~~ Laurie Archibald

Whitney Matson

Avalon Springs CUP

Dean Kerr

Heath Kerr

Kasey Kerr

Clint KERR

Elna Hamilton

Sheri Hamilton

~~Jim~~ ~~W~~

Denise Ciebien, Deputy Cache County Atty Exclusively
attending re: canal issue & not advising Planning
Csm.

KoriAnn & Colby Hamilton

Wesley Winters

Avalon Spring CUP
\$

Fay
Ron Vance