



PLANNING COMMISSION MINUTES

02 MAY 2013

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Present: Chris Harrild, Josh Runhaar, Jason Watterson, Rob Smith, Phillip Olsen, Leslie Larson, Chris Allen, Chris Sands, Clair Ellis, Jon White, Denise Ciebien, Marsha Giles

Start Time: 5:35:00

Larson welcomed and **Smith** gave opening remarks/pledge.

5:36:00

Minutes
Passed

Agenda
Passed

05:38:00

Regular Agenda

#1 Public Hearing 5:40 pm: Daug's Minor Subdivision Rezone (Nathan Daug's)

Harrild reviewed Mr. Nathan Daug's request for a recommendation of approval to the County Council for a rezone of the Daug's Minor Subdivision from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone located on 12.82 acres of property at approximately 1800 South 2400 West, Young Ward. This rezone will create the potential for one additional lot in the subdivision. A rezone to the RU2 Zone would permit up to 8 building lots, however that is not the intent of the applicant.

Staff and commission discussed the rezone. Some commissioners expressed a concern with doing a small rezone unless there are special circumstances.

Ellis If the rezone passes it sets a precedent for RU2 in the area.

5:44:00

Sands** motioned to open the public hearing for the Daug's Minor Subdivision Rezone; **Smith** seconded; **Passed 7, 0.

Nathan Daug's what are the concerns?

Larson did you understand Mr. Ellis's comment?

Mr. Daug's yeah, he's worried if we do the rezone there may be neighbors that will one day want to do one on theirs.

Larson right, spot zoning. Once a zone is introduced to an area it opens the door for others to also request a rezone for that zone and it changes the characteristics of the surrounding area.

Mr. Daugs are there other RU2 rezones in this area?

Sands we did an RU5 in the area but not RU2.

Ellis just to restate, I'm not worried about what the neighbors might do but I think we need to evaluate this with the assumption that in the future we will want to keep RU2 zones together and this would make that a natural starting place. The question is not just this specific location, but will this general area work for that?

Mr. Daugs I don't know how to address that. I don't know what the neighbors will do as they grow and want to expand.

Larson does this zone, RU2, fit with the area?

Mr. Daugs In that area there are several smaller lots and then 1 mile to the east is Logan. There are in that general area several lots that are 2 to 1 acres.

Sands Josh, were those done prior to the current zoning?

Runhaar yes.

Sands they were part of a much larger parcel at one point, but the overall development was larger.

Mr. Daugs yes, those subdivisions both have larger Ag remainders attached to them.

Larson is there anything else?

Mr. Daugs 4 years ago we built our dream home, and then we had twin boys who were born with severe disabilities. We need a new home to meet their needs and here the land is free and that helps us to build it and stay off welfare. So the rezone helps us with that.

Mr. Don Daugs the twins' disabilities are a main factor and they are going to need care their entire life. The area to the north is not suitable for septic, the clay won't hold the sewage. Here we have the water rights for one more home and then we can't build another home because there are no more water rights.

White the houses near here are part of bigger parcels but the actual lot size of the homes is 2 acres or less and is along the road. This seems to fit the area.

Sands Rural RU2 development is meant for places like Young Ward and more urban RU2 development is for next to cities and has the possibility of annexation.

5:54:00

Olsen motioned to close the public hearing; **Watterson** seconded; **Passed 7, 0.**

Staff and commission discussed the septic issue. Currently Bear River Health Department (BHRD) has not cleared the land for septic but a review would be completed with a subdivision application. There have been a couple of instances once a subdivision has been approved where the septic hasn't been able to pass afterward, but those are few and far between. This application does open the door to other development possibilities and the expansion of the RU2 zone in this area but the intent of this proposal is to provide for one additional lot, on serviceable roads and adequate utilities, and seems to be in line with other development in the area.

Smith motioned to recommend approval to the County Council for the Daug's Minor Subdivision Rezone with the noted findings of fact; *Olsen* seconded; **Passed 5, 2 (Watterson, Ellis - nay)**

6:11:00

#2 Public Hearing 6:00 pm: Cache Humane Society Rezone (Roland Bringhurst)

Harrild reviewed Mr. Roland Bringhurst's request for a recommendation of approval to the County Council for a rezone of 21.42 acres of property from the Agricultural (A10) Zone to the Commercial (C) Zone located at approximately 2370 West 200 North, west of Logan City. The reason for the rezone is the Humane Society would like to expand their facilities which would make it a nonconforming use. UDOT has identified the need for an updated traffic impact study for the access to the property. Logan City has given verbal approval for the project.

Staff and commission discussed the rezone. The addition of a dog park is not an issue and would actually be allowed in the Ag zone. But the expansion would not. One thing to note with this rezone is if the Humane Society moves, any type of use allowable in the commercial zone may use this property. The property is in Logan's annexation area. Many commissions would like to see a partial rezone of the property and not the entire 20 acres rezoned.

6:20:00

Sands motioned to for the public hearing to open; *Watterson* seconded; **Passed 7, 0.**

Mr. Bringhurst the 1.42 acres is owned by the Humane Society and the shelter is a nonconforming use. That is due to a change to the ordinance which removed animal shelters as a permitted use in the A10 zone. We have a plan to lease 5 of 20 acres from Logan City. Our proposed use, a dog park, can be done in the A10 but if you join the two parcels together we have to rezone because a dog park and animal shelter can only exist together in a commercial zone. We could probably leave it alone if the animal shelter was grandfathered in.

Sands but the 1.42 acres could be commercial and the rest of it can be a park and a park is permitted in the Ag zone.

Staff and commission discussed rezoning the 1.42 acres and the rest of the land remaining A10. There is no fee going to be charged for admission to the park so the park would not require a permit. Staff suggested amending the rezone request to the front parcel and doing a boundary line adjustment as necessary on the land containing the park.

Mr. Bringhurst on the second 5 acre parcel to the east we don't have an agreement with the city yet but we are expecting one. The long term plan is for the shelter to move to that 5 acres and expand. The only facility going on the west 5 acres is a restroom and an emergency preparedness pavilion.

Sands it's not a walled structure?

Mr. Bringhurst right.

Runhaar are you doing any expansion on the building to the north?

Mr. Bringhurst a storage shed on the front parcel next to the building.

Staff and Commission discussed the boundary line adjustment.

6:28:00

Watterson motioned to close the public hearing; Olsen seconded; Passed 7, 0.

Watterson motioned for approval for a rezone of 1.42 acres, and denial of the rezone of the 20 acre parcel 05-059-0002, with the noted findings of fact; Allen seconded; Passed 7, 0.

6:33:00

#4 Gilt Edge Flour Conditional Use Permit (Evan Perry)

Harrild reviewed Mr. Evan Perry's request for approval for an expansion of a conditional use permit (CUP) to allow an additional 50' X 100' warehouse for the storage of equipment on 4.71 acres of property located in the Industrial (I) Zone at approximately 1090 West 1200 North, east of Lewiston. The only concern staff has is with access to the property. The current access is open for ~500 feet and needs to be narrowed down to meet the ordinance requirement of a maximum 36 foot width. The county engineer will work with the applicant to review the property access and determine what will work.

Evan Perry the trucks really only access in 2 spots.

Larson do you understand the concern?

Mr. Perry yes, but we've never had a problem.

Runhaar we'll send the engineer out to define the access and I think there will probably be two 50' accesses.

Mr. Perry 3 access points would probably be better because of the way the road curves with the property.

Runhaar that may work, we just need defined access points.

Watterson would this be accomplished with curb and gutter or a sign, how would it work?

Runhaar there would probably need to be some sort of barrier but the engineer will need to look at it.

Mr. Perry the road is nowhere near 66 feet.

Runhaar we'll let the engineer and the applicant discuss barrier needs.

Allen motioned to approve the Gilt Edge Flour Conditional Use Permit Expansion with the stated conditions and findings of fact; Ellis seconded; Passed 7, 0.

6:43:00

#3 Public Hearing 6:30 pm: North Valley Landfill Conditional Use Permit (Issa Hamud)

Larson according to the commission bylaws we are only allowed 30 minutes of discussion for each agenda item; however we have had a request for an extended amount of time for this issue. The meeting ends at 8 o'clock unless the commission motions to extend the meeting. Also, comments may be submitted in writing and will be attached to the record. Written comments are helpful for the commission to refer back to. Some comments did come in today and those will be posted on the website tomorrow and comments can continue after this meeting. The road issue is important to many but the only part of the road the commission can give any guidance on is the portion from Clarkston to the landfill site; the county has no jurisdiction over the State roads and any comment regarding those roads is not relevant. We have had a request from Clair Christiansen to give a presentation that represents a group of people; we will give him 20 minutes, 20 minutes to the general public, and 10 minutes to the applicant and then the commission will discuss any questions, concerns, or comments they have.

6:51:00

Smith motioned to open the public hearing; Ellis seconded; Passed 7, 0.

Mr. Issa Hamud I represent Logan city and I have representatives from two firms we have worked with on this project who will present some information.

Mr. Brett Mickelson I am with IGES representing Logan City.

Runhaar everything that is up on the screen will be posted tomorrow for the general public.

Mr. Mickelson reviewed the application and what each attachment included. His presentation will be attached to this public record.

John Powell I'm with HDR engineering and we've been studying the roads leading to the site. There were 4 options in all presented to the solid waste advisory board and they recommended the route bypassing Clarkston and avoiding the cemetery and the County Council approved alternative 2.

Ellis When you say bypass Clarkston you mean the point at which you may leave the State Highway?

Mr. Powell Yes.

Ellis Ok. But the trucks would go through part of Clarkston on their way.

Mr. Powell Yes, depending on the option that is selected.

Ellis There is an option then.

Mr. Powell it's up to the state to determine that decision. This graphic shows the road standard that will be followed. In every way we have exceeded the county road standards. The current standard is a 10 foot wide travel lane and we've chosen to do an 11 foot wide lane. The finished road will be 24 feet wide and will exceed the county standards.

Clair Christiansen I represent a group of citizens from the area and we'll now begin our presentation.

Kelly Meyers I'm a Clarkston citizen and have studied this issue. This landfill is in clear violation of the County's Comprehensive Plane. It grievously violates the goal of preservation of farmland and encourages urban sprawl. This area where the landfill is going is the largest contiguous farmland area in the county; there are no ranch sublets there. They are going to have to widen 5 miles of road to reach this area. "Currently there are no utility services at the NVL site. It is anticipated that electrical service will be brought to the site with access road development." In earlier letters Logan City stated that no power lines would happen and now it looks like there are proposed power lines. This proposal violates many of the goals in the comprehensive plan regarding air quality, which we already are a failure at. "Ensure environmentally safe, politically acceptable, economical and reliable methods of solid waste collection and disposal for Cache County." This site is difficult to get to in the winter. Logan City has admitted to the possibility that they will have to hold garbage due to impassable roads during the winter.

Barry Meyers I am a ground water engineer by profession and I went and looked at the site. County Code 17.18.020 states "Steep slopes" Where the rise or fall of the land is equal to or exceeds thirty percent (30%) over a horizontal distance of twenty feet (20') or greater." Consistent with County Code 17.18.020, requires as a condition of the CUP that no development may occur within slope areas which meet this criteria." There are potential impacts to adjacent landowners due to the possibility of slope failures. In a letter dated March 26, 2003, the UDWR requested a multi-year Columbian Sharp-tail grouse study to determine the impacted/displaced populations as well as appropriate mitigation for the grouse. That study is required by the state and it has yet to be done. It needs to be completed prior to construction. Also an increase of traffic on the road will be a habitat barrier. According to County Code there needs to be an engineering geotechnical report which address steep slopes and geologic hazard areas submitted. If you look at the map of the soils, the pink are areas where the soil has one or more features making it unsuitable for landfills. Nearly 81% of the proposed landfill area contains soils which are "very limited" for use in a sanitary landfill and for daily cover. We request that a soil

suitability analysis be required as a condition of the CUP to address this issue. Also, methane is a big contributor to odors. The EPA requirement to install and operate a gas collection system is not triggered until air emissions are 50 mega grams of non-methane organic compounds and it is doubtful the landfill will meet the EPA requirement, so it's going to smell. We request that the installation and operation of an interim gas collection system be required as a condition of the CUP to reduce the odor. Also, we would like to see a reclamation/weed management plan, a stipulation of no self-hauling, no friable asbestos disposal, no out-of-county trash disposal and a litter fence as part of the requirements for the CUP.

Larson thank you for that presentation, the general public will now be allowed to provide comment. Please keep your comments to three minutes or less.

Nate Whiting read a letter written by Representative Rhonda Menlove; letter is attached to the official record.

Amber Johnson I live in Smithfield. This seems to be a not in my backyard situation but there is a potential impact on taxes and collection fees for the entire county. There has been no study or estimates done regarding those impacts and that should be done and made available to the public.

Ralph Holt I was born and raised in Trenton. I own 360 acres of land adjoining the landfill site. I have traveled that road from the cemetery to the landfill many times. Will we receive compensation in regards to the widening of that road and the land that will use? Also, the rain water from that property flows through my property in a 6 foot wash, how is that going to be stopped? What about de-valuation of property? When the land was rezoned it was stated that the good of many needed to be considered over the impact to the few. Are a few of us going to pay a big price for a bad decision?

Jeff Watkins I am a retired environmental engineer. I went out to the surrounding communities of Hill Air Force base about contaminated ground water pollution in their neighborhoods when I worked there. They were understandably upset, and the first thing we discovered is that no one trusts the government. You have a huge responsibility to make sure that their concerns are heard and addressed. If promises are made, they need to be kept. But if they are not kept we lose faith and trust in the government. Please make sure that all the concerns are heard and adequately addressed before anything is started out there. Please take your time and do it right.

Julynn Thomas the road for the proposed route is 8100 west. There aren't a few homes on that road, but there are faces too, and my home is on that road. The proposed width of the road will go halfway up my front yard and it does matter. There are a lot of little children on that road. When I came in for the permit to build my home 6 years ago on the road, I asked about how far back from the road I needed to be. I was told the route for the landfill would never go along that road and that I could build the minimum and it wouldn't be a problem. It will be a problem, 66 feet is pretty close to my front door. I spoke this afternoon with the surveyor of my property and the road right now from shoulder to shoulder is 21 feet. He did the survey and I went off of that for where I put my home.

Gail Dawson I've lived in Clarkston for 13 years. Spend some money and visit Phoenix in the Maricopa area. Look at what is alongside the highway. The road leading to the dump in the Maricopa area is pure white with trash. They have covered vehicles hauling the trash out there and that works fine for about 3 to 4 months and then the trash gets blown around. Every one of the trucks that drive out there loses trash along the way and I would not like to see that happen in this area.

Tyler Godfrey I live in Clarkston and my background is finance and accounting. Part of the county code states that the CUP should be necessary or desirable to provide a facility that will contribute to the general well being of the area and the county. I think the best way to do that is to take a look at the cost to a house hold. Typically the landfill makes about a \$3 million dollar profit a year. That amount goes to the general fund for Logan City. The next thing I did was to analyze the cost of the new dump and the best way to do that was by mileage. Currently the average county resident distance to the dump is 5.5 miles. For the new landfill it would jump to 25.3 miles per person, approximately 5 times as far. I think this number applies most directly to the operation and maintenance line. If we apply that across, it jumps the cost from \$2.7 million to \$13.5 million. That is a huge jump in operating costs. I know this is a generalization, even if we were to back that off three to four million you are still looking at a \$7 to 8 million increase. Also, there is an increased cost in road maintenance and snow is a serious issue out there, especially snow drifts. It's going to increase their expenses.

Larson I'm sorry to interrupt but we do need to move on. We have all your information and it is good information for us to have as we go through this process.

Mr. Godfrey I understand that. In fairness to us, this is an 80 year landfill that has been in the progress for 10 years and we want to make sure you have everything.

Mr. Christiansen my biggest concern is how we are going to get to the dump. I've been to a lot of meetings and there are a lot of concerns. There are 39 parcels that are going to be affected by this road, 39 landowners and no one has looked at it really. Most of the plat maps, in a couple of places, it actually only shows a 16 foot right of way and some of them are listed as a field road. My concern is that we maintain our property; at the very least they need to look and see parcel by parcel if the county does have a right-of-way. They should have to go according to the maps. This is what the proposed method of getting the garbage to the land fill is. They propose double trailers and state law allows up to 90 foot trailers. Logan City recommends a 40 mph speed limit. Many who drive that road don't drive that fast. Most of the time our tractors and implements have a hard time getting down that road. This is Woodcamp, in Logan Canyon, elevation. Can a road really be maintained well at that elevation? We appreciate your time.

Larson thank you for all the comments.

7:57:00

Ellis motioned to extend the meeting to 8:30 and close the public hearing at 8:10 pm; Sands seconded; Passed 7, 0.

Mr. Hamud what questions do you have tonight?

Larson Can you please give some feedback on what've you heard this evening.

Mr. Hamud the slope stability is addressed by the State of Utah. Also, the material allowed is addressed by the permit and is the same as what is permitted at the current landfill. There will be no self-hauling allowed at this landfill. There will be 5 days of transfer from the current location, and 1 day a week the trucks will go directly to the new landfill. The landfill will be developed in cells, there are 9 cells. Only 1 cell will be developed at a time, maybe two if more soil is needed for cover. Soil suitability is also address in the permit application. The soil needed is not qualitative but quantity. As for the right of way, we will work with the landowners. Also no water that has come in contact with the landfill will be allowed to leave. It will all be treated and released on a leach field. We are required to monitor the water before the landfill operations/construction stated and during that process. We are also required to monitor the water during the use of the landfill and it will be tested at least four times a year.

Sands what about utilities?

Mr. Hamud there is a power requirement for employees. We can use a generator there instead of running power lines.

Sand if power is bought in would it be buried in the road right of way?

Mr. Hamud that is to be determined.

Sands what about the wildlife studies?

Mr. Hamud those will be done as required by the state permit and we will start a study as soon as the CUP is issued. The landfill, the 183 acres that we will be developing will be done in 9 cells so the impact on the other areas is very minimal. The ground that is not developed is leased to a farmer and we will continue that lease.

Sands I think that part of the question or comment there is there being sufficient time to study the wildlife. If the CUP were issued this year, how many years would the study encompass?

Mr. Hamud there is at least two more years before construction can be stated.

Sands what about odor control?

Mr. Hamud it is not cost effective to collect the methane gas. We don't intend to collect the methane unless required to by the state. We are however required to collect and monitor perimeter methane levels.

Ellis from the air?

Mr. Hamud yes.

Ellis is that regulated?

Mr. Hamud yes.

Larson would the current landfill meet the requirements that you went through for the new landfill?

Mr. Hamud no, and that's why we are not expanding the existing landfill. The land that the dog park is going on was actually bought years ago for the expansion, but we cannot expand.

Sands for what reasons?

Mr. Hamud proximity to residential, the highway, wetlands, and lots of other issues that the state would not grant a permit for.

Larson is the current use of the landfill representative of what the new landfill would look like?

Mr. Hamud No, the current landfill is not lined. The biggest issue we have with a landfill is that we already have footprint that is determined by the county. What we are trying to do is move from one area to another area and to a slope that would allow up to the highest point that we can operate. There are logical, inherent operational problems with the current landfill that will not exist with the new landfill.

8:12:00

Ellis motioned to close the public hearing; Watterson seconded; Passed 7, 0.

Staff has started compiling a list of questions and concerns. That list will be posted online and when answers are available those answers will be posted as well. Commissioners can email questions and staff will post all of those to the internet as well. It will take time to work through all of them but staff will try to be transparent as possible with information. This CUP is a recommendation to the County Council as required by County Ordinance.

Mr. Hamud will there be a date for public comment to end?

Runhaar we don't ever close public comment, whether or not it gets addressed is another thing.

Sands comments received over the next three weeks however will be in the commission's packet for the next meeting.

Staff will continue to put a list together of the things that need to be worked through. No ordinance changes will come before the commission while the landfill is on the agenda.

8:28:00

Smith motioned to end the meeting; Watterson seconded; Passed 7, 0.

Adjourned