



PLANNING COMMISSION MINUTES

01 AUGUST 2013

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

Start Time: 5:30:00

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

5:33:00

Agenda

Passed

05:35:00

Regular Agenda Items

#1 Public Hearing – 5:40 p.m.: AT&T Providence Tower Rezone (Glenn Bernard)

Harrild reviewed Mr. Glenn Bernard's request for a rezone of 1,500 square feet of a 2.07 acre property currently zoned Agricultural (A10) Zone to include the Public Infrastructure (PI) Overlay Zone located at approximately 310 East 2100 South, Providence Area. There is an existing tower on the property. Mr. Bernard would like to add a microwave dish to the tower. Access to the property is adequate for this type of usage. There have been two public comments in opposition to this request.

Staff and commission discussed whether this location would be an appropriate area for the overlay if the tower wasn't already in existence and staff commented that it isn't the best location for this overlay where it is so close to a residential area.

05:40:00

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

05:40:00

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

Sands** motioned to recommend the AT&T Providence Tower Rezone with the stated conditions and findings of fact; **Allen** seconded; **Passed 5, 2 (Larson and Ellis voted nay)

Commission members discussed the current location of the tower. If this application was to come in today many members would vote to deny the application at the current location. Some members expressed concern with the rezone opening the door to other uses possibly coming into that area. The current use of the property is non-conforming due to an ordinance change specifying that cell towers are not allowed in the Agricultural (A10) Zone.

05:50:00

#2 Jacob's Cove Heritage Farm Conditional Use Permit (Dale Allred)

Harrild reviewed Mr. Dale Allred's request for a conditional use permit (CUP) to allow an agricultural food and flower production, processing, and retail sales on 28.40 acres of property in the Agricultural (A10) Zone located at 270 West 150 South, west of Mendon. The project will proceed in two phases. Phase one includes 11,000 SF of green houses, a 2,500 SF integrated support building for supplies; packing activities, 1,500 SF retail store and kitchen, and parking for up to 30 cars. The operation of the first phase will require 4 full-time or 8 part-time employees. Phase two includes an additional 43,560 SF of green houses. Once phase two has been completed 20 full-time employees will be required. This area does lie within Mendon City's annexation area. This proposal does not qualify as an urban development as defined by the state, however, further expansion beyond what has been proposed may be defined as urban development.

Staff and commission discussed the urban development requirements. Even though green houses are a permitted use in the A10 zone the cost of the green houses is factored into assessing if the structures/use qualify as urban development.

There are problems with access to the site. The private access to the property is adequate but the road leading to private drive will need to be improved up to county standards. Staff has made the recommendation that a design exception be granted for the culvert on 100 South because it will only be lacking 1' of needed width. The applicant has submitted a letter specifying their intent to improve the roadway to meet the county standards. Item 1c will be added to the conditions of approval stating that the applicant will have to obtain permits from Mendon City in regards to the needed road work in Mendon City's jurisdiction. A large amount of public comment has been received and has been posted online and has been in opposition of the proposal. The four main issues that have been identified in the public comment are access, flooding, culinary water, and storm water drainage in the area.

Commission members had concerns regarding signage and drainage.

Dale Allred my friend Sherwin Seamons and I would like to do something with this property and this idea is what we decided on. Many people are concerned about our food and the long haul for distribution of our food. Almost all the produce in our stores comes from Mexico. Most of the population in Utah is located from Cache Valley down to Salt Lake and there is hardly any food production in Utah. With the current technology we have the ability to grow food in our area. Many times when I buy produce I question when it was picked, how it was produced, what kind of chemicals are on it, how long has it been in the store, how nutrient dense it, and what is it going to taste like. All those questions go through my mind. If we were just growing the food, we wouldn't be here, but we would like a store at the farm. It has to be cataloged somewhere with the county and the best fit was agricultural manufacturing. Why do we need a kitchen? Because we would like to be able to use our produce that doesn't make it to the store within a couple of days and make it into sauces or other products to sell. I've worked in commercial agricultural and seen where produce can't be grown no matter what chemicals are used on the land. I've decided that that isn't a sustainable model and that we can do it better closer to the

stores. The reason for the semis is because we have to have supplies trucked in to build this. That first ¼ acre seems like a lot of food but it is probably enough for 60 families and we're hoping to sell all the produce at the farm. If not, then we're hoping for an offsite location right here in Logan.

Larson The four categories at issue for tonight are water and where that would come from... Mendon currently struggles with water issues right now and making sure there is enough for the current residents. The road issue, traffic in and out of there, and then drainage and flooding that goes on in that area.

Mr. Allred okay, with regards to water there is an existing well on the property that allows for more than ¼ acre of outside use in addition for the water needed for the home you see on the map and that is the water that will be used in phase one.

Larson the well that services the home would be used for the first phase?

Mr. Allred yes. The well is a little over 10 gallons a minute and would be used for the first ¼ acre. For phase two, if there was a phase two, there would need to be ground water purchased and we would have to change that application with the state.

Larson okay, can you comment on the road issue?

Mr. Allred obviously we need access and we have no problem with improving the road up to county standards. For the road that is in Mendon's jurisdiction we will meet their standards as well.

Larson okay, and what about semi traffic?

Mr. Allred once the facility is built there shouldn't be a need for a whole lot of semi traffic. However, if we order a pallet of materials a truck will come and deliver that and that won't happen but a few times a year. Other than that there might be some UPS deliveries but that would be the same as what would be delivered to the house. There are no tractors for this proposal; it is all hand labor and automated production. We don't use chemicals; we don't spray at all so there are no toxic chemicals that will need to be delivered. Our fertilizers will need to be delivered but that would only be one time a year. The traffic will be coming from customers coming to the store, not the delivery trucks.

Larson and the hours that you are proposing?

Mr. Allred for our employees probably 7 or 8 in the morning until 5 or 6 at night and so that would be the hours that we would be open.

Ellis what about trucking produce out?

Mr. Allred the amount of produce that would be trucked out would only fill a minivan. So it wouldn't be a big semi that is being used and that delivery would probably be once a day.

Ellis would you say it is comparable to a fruit stand that we would see on the fruit way?

Mr. Allred yes, but year round.

Larson and site drainage?

Mr. Allred I know I've been told that there is occasional flash flooding.

Larson that happens annually.

Mr. Allred well that would be from upper lands and I don't feel like it would impact this. I think paving the road might help. We're not planning on paving the parking lot in the traditional manner but plan on using grass pavers, a thermo-plastic paver that you actually grow grass on. So there isn't pavement there so any drainage that comes would go directly down into the ground so there shouldn't be drainage off the site. There could be some off the roofs but that would be channeled to the outlying ground which will be fruit production. What you'll mainly see is orchards or raspberries around there. There really won't be drainage off there; it should go back into the ground.

Larson snow removal?

Mr. Allred Sherwin plows the road right now all the way and I don't think that would change.

Watterson you state that you'll have processing and that you would take the remainder food that goes beyond shelf life, what is the processing?

Mr. Allred mostly just chopping, so instead of buying a whole head of lettuce you would buy the salad. There might be some processing into salsa. The market here is not for preserved long term stuff but just chopping and preparing stuff for salads and salsa, etc.

Ellis any steam canning?

Mr. Allred no, the goal is to be fresh.

Larson the forum here is for the public to comment and direct their comments to the commission. If you don't get a chance to comment in this public format here, any comments you have can be done in writing to Chris Harrild and he will post it to the website and that comment is reviewed by the commission. If you can get it as far ahead of the meeting as possible it is helpful for us.

Ed Buist I am mayor of Mendon City. First and foremost I want it known that I am not anti-growth or anti-business. If I could I would move this proposal to a commercially zoned area in our city and work with it there. I realize this proposal is in the county but does border the city and is within the annexation area and we do have some concerns from the City's standpoint. The Mendon City line is right there at the canal and the road going from 2nd west to 1st west is in pretty bad shape because of flooding. Is that going to be addressed from this group to be worked on?

Ellis is that an asphalt road?

Mr. Buist yes it is and it is really hammered.

Watterson does the city have standards on road design for commercial use?

Mr. Buist yes we do, I can't answer them myself but the city does.

Olsen does Mendon City have plans to fix this road?

Mr. Buist we have a small budget and fix them as we go. Yes, but when that will be we don't know. Water has been touched on some and I would really challenge to see what there would be there and if needed another well being drilled what that would affect. Having been through 3 ½ years of a rough situation with water, there has barely been enough to fill the need there currently. For drainage, in the winter this field is frozen. The water sheets and it takes off. In the past this has been able to sheet down, get into the canal and move on. But since the road has been put in, it goes off the road and drains down the dirt road and takes the road out and Mendon has to put it back down. It also goes down over 1st south and 2nd south and hammers that road.

White but that problem isn't a result of his ground.

Mr. Buist yes, but it is a problem since that road has been put in. That problem has been caused by the landowner and this isn't going to fix it. By Mendon zoning this is a commercial usage. I realize this is a county decision but it borders Mendon and is in our future annexation area. This could be ours at some point and we don't feel this is a good location. The last concern is that Mendon has a small budget and we see this impacting that budget. We will see little if any tax benefit from it but we will be expected to keep the roads clean and keep the snow off the roads. We have one employee that pushes snow during the winter and that can be an issue for a business owner.

Ellis it sounds like annexation wouldn't solve the problem?

Mr. Buist exactly, the plan for this is residential and agriculture for that area. According to the master plan, the zoning, anything with retail or green house is commercial.

Ellis would there be a spot for a commercial store in Mendon?

Mr. Buist in a commercial area.

Ellis there is commercial land in Mendon?

Mr. Buist there is, but whether it's for sale or not, I don't know. There are green houses in Mendon and they are currently in the commercial area.

Watterson would water be an issue in a commercial area in the city?

Mr. Buist within the city, we are finding some water but we would need to see how much they need. That is a possibility, but the location is the main issue. Water though is a concern. There are a lot of concerns from farmers and ditch owners.

Olsen on the drainage is there any way to put that road back to how it was before the road caused the problem?

Mr. Buist I would hope so but would have to talk to an engineer.

Olsen that's a possibility then.

Mr. Buist this is a pre-existing issue, since that road has been put in the water that hits it moves and concentrates in one spot.

White but as a general rule the person is responsible for the water on his property not water from other landowners that access his property.

Mr. Buist I understand that, but it can be looked at a couple of different ways.

Olsen on your concern about new wells, has any one contacted the state water engineer?

Mr. Buist it sounds like Earl has. Mendon City has been looking for water for 3 ½ years and just across the street from this we drilled and found next to nothing.

Olsen where does he plan on getting the water then?

Mr. Buist that is what I would like to know.

Clifford Doolittle I'm better known as Earl. My property is adjacent to this property just across and above the canal. I opened this letter and was surprised that he was going to cut down my trees, those trees are located on my property, not his. However, the water problem was not caused particularly by them. The ground freezes, the water cannot penetrate and it comes off the site, hits the road and then goes to the east because that's the easiest way and water goes the easiest route so that is why water runoff is an issue. The other issue is where is he going to get the water? The water he is talking about is a well. That well is licensed for one house, 10 cows, ¼ or an acre; not a green house. I talked to the Bureau of Water Rights and if they applied to drill a well, they stated that his request would be denied because the water is being allocated for homes.

Olsen have they applied to increase the usage of the well that is there?

Mr. Doolittle no, and they couldn't do that anyway because if they do it would be going to a commercial zone and will be denied. Because all of the water in the valley is taken up and is being used for residences so they can't supply commercial businesses. There is no ground water on that property, so there is no irrigation at all for that property unless he finds someone to give him their water rights or sell it to him. The well at the present time is delinquent and is not a legal well.

White does he have any irrigation water?

Mr. Doolittle none, the Bureau of Water Rights has that water and that is what they stated. With the vehicles, he is saying he is only going to have one truck now and then. What good is that going to do for a farm? He is going to have to harvest it and that is going to require trucks. That is an old bridge and I am concerned with it breaking.

Carol Sorensen I am an 82 year old farmer and my property line is at the end of 1st south. This property was acquired in the 1880s. Four men got together and created a co-op farm. They decided to farm together because they couldn't do everything by themselves, after awhile they broke it up but continued to farm it. 1st south is a farm road. I have property adjacent to this property and I have never heard anything about his until yesterday. When this property was broken up, I believe Hancock's got an area that had a big spring on it up there. My father-in-law took the gulley and the property on the north of the gulley. I have never received anything on this until yesterday. I remember when the forestry had a road on the other side of 1st south. We had terrible monsoons and it took out the whole road and the Forestry couldn't use it anymore. So my concern is this, I know Mendon needs to grow and we need commercial, but this is going to bring a lot of traffic here and I don't know how that is going to be handled. I have 10 years experience on planning commission and I don't think this is the proper location. I can see a myriad of problems coming from this and I'm concerned about my farmers bringing equipment up this road and what is going to happen to that farm road that T's into my property.

Larson you're talking about the T on the west end, so it's up above the proposed development?

Ms. Sorenson I've never heard anything and it's adjacent to this.

Harrild there is a Sorenson on the list and that is what we noticed and I will confirm with her if it's the right address.

Ms. Sorenson I just want you to know that there is a history of terrible flooding up there.

Larson how far in advanced do the notices go out?

Harrild they go out a week in advanced.

Rusty Meyers I live at 83 south 200 west and am right on the edge of the gravel road. Flooding is an issue with me so I have concerns with changing the flow. Something else on the water rights are that .25 acres of spring water that they have only covers from April to October. This is a year round operation, so that needs to be considered. A conditional use is a land use that because of its unique characteristics or its impact on surrounding neighbors or area may not be compatible with the area or maybe compatible only if certain conditions are required that mitigate or minimize those detrimental impacts and I kind of have concerns that there is just a lot of those determinately impacts to the neighborhood and the city that haven't been addressed and those need to be taken care of before this goes forward. The next thing is I wanted more on the urban development. This doesn't meet the definition by the state, what I'm wondering is where does the \$750,000 come from?

Runhaar we take the application and what we look at is similar building permits from the last 10 years or so and run the numbers from that. We look at the cost of building and permit costs, etc. This isn't an exact science.

Ellis but your finding that this isn't urban development?

Runhaar correct.

Mr. Meyers so I guess what are the things that are taken into account on that?

Runhaar it does not qualify.

Mr. Meyers even wells, even if they have to drill a new well? That's going to take a lot of money.

Runhaar any site development activities.

Mr. Meyers the cost of building the road?

Runhaar no, that is not considered a site activity.

Mr. Meyers if he is purchasing the property?

Runhaar no, this simply does not qualify.

Mr. Meyers I'm wondering what Mr. Allred's plans are. Is he relocating to Mendon to operate this? The reason I'm wondering is because according to the agricultural manufacturing definition, where 75% or more of the goods are grown on the property or adjacent property that is operated by the owner of the business. I don't think that part of the definition would be unless he is on site and operating it personally.

Runhaar if there is a partnership there, which that seems to be what is happening on the paperwork, that qualifies. Part of that partnership is that it is on site.

Mr. Meyers so is he partnering with him or leasing the land?

Runhaar I don't have the details on that.

Mr. Meyers another thing that isn't covered in the definition is the mentioned infrastructure that has to go in and there is no mention of how many employees that they can have. It sounds to me like it should go under another classification. It states in several places in their paperwork that there is going to be retail sales and if you go to the use description of the county code it says that retail and commercial sales is not allowed on agricultural property. It was referenced earlier to a produce stand, according to the code a produce stand is 250 feet or less and is temporary.

Larson is this one of our codes that is not updated online?

Runhaar no, it is updated. This is classified as agricultural manufacturing and an accessory use. So the retail sales is deemed as an accessory use to the agricultural use

Mr. Meyers so how does that explain the retail part?

Runhaar it's an accessory use to the agricultural use.

Mr. Meyers I have several things that personally impact me the flooding, the trucks, the traffic, and the other concerns that these people have. I feel like this doesn't qualify under this definition and feel like there are other things that need to be looked at that disqualify this from this categorization.

Michael Morgan I've been involved in Mendon City for a long time. First of all I wanted to talk about notification to the city; the city was never notified of this before it came to the planning commission. The conversation that was had, we've verified this with our zoning administrator was, what is the process for annexation, and once that process was explained the city was told that they didn't want to do that. The details of this project were never presented officially to anyone, individual or officially at any of our meetings. The first time any of us heard about this development was when Rusty received his letter. So when it was stated that the City was notified, no they were not. Because this information was never given out, they simply asked about annexation in general and we answered in general answers.

Runhaar our noticing requirements are outlined in state code and we meet that state code.

Mr. Morgan I understand, but none of this project information was given to Mendon City before. When Mr. Seamons said he had no intentions to annex at this time.

Mr. Buist Seamons decided not to annex into Mendon City. No discussion again, of what development he was thinking of and you just don't assume anything but in Mendon when someone says development you think a subdivision of a home or two not a 50,000 SF business. The fact is that word development is pretty wide open and there is never any idea of what their intentions were.

Mr. Morgan the detail in that letter is all the information we had until Rusty received his letter.

Runhaar the notice was proper.

Mr. Morgan I'm not saying it was improper I'm just trying to help you understand the impact of this development on the city and it was a surprise to us because the developer never discussed it with the city.

Mr. Buist what you're saying is that things were done properly, and we respect that and understanding that.

Runhaar that is the point of this meeting, to discuss those concerns and understand them.

Mr. Buist what we're getting at here was that here was no disclosure of what was going on, on our border and this effects us directly so there is the concern.

Mr. Morgan that is one of the big concerns for the city. We had no idea that this was coming, large greenhouses, potential four of them a projected residential zone in our master plan. It doesn't fit, it doesn't work. I'm also a resident on 100 south and I can tell you a difference that the private road has had on the flooding situation. I've lived there 20 years and when that road went it all of a sudden things started washing out. So that is a huge concern to all of us who live there. They mentioned that they don't plan on a lot of traffic but they aren't going to sell mainly to Mendon but the entire county. That is going to draw a lot of traffic. This road isn't designed to handle that much traffic.

Brian Gudmundson we own property on the right side of 100 South. We purchased that 8 months ago and plan on building a home there. We currently live on 100 south and our home has been damage due to flooding. The water was coming down with such force that it would hit our culvert, which was already filled to capacity, and shoot in the air 4 feet and over our driveway. So flooding is a real issue and we would like to avoid it again. Because we just recently bought this property, we moved to Mendon for the rural quality of living. We found out two days ago that there was going to a building half the size of Wal-Mart next to us. That brings a lot of sights, smells, trucks, and all the traffic relating to a retail space. The application states there will be 30 employees; the county staff stated 20 but the application states 30. So there will be at least 30 cars from those employees. That is 30 cars every day on top of the retail traffic and deliveries. The economic impact on our family is big; if we have to sell our property because of what's going on, we have a 10% loss, and real estate fees, because potential buyers find out about this huge building. This is quite different from what we anticipated. Even if we were compensated for all that, it took a long time to find this land and it will take a long time to sell it. I think the business model is good but the location is wrong. This is residential; it's close enough to the city that it will be annexed. In reading the ordinance it seems to support a small seasonal mom and pop retail stand, which would be family grown and operated in contrast to this type of operation, the proposed development supports a permanent building costing an estimated \$2.6 million. If you cut that in half and it's still substantial. Add in the cost of parking, road upgrades, equipment, inventories and other improvements and this becomes a multimillion dollar enterprise. Add in the staff of 30 full time employees year round, UPS deliveries, semi trucks and a year round retail store and 30 parking stalls describes a permanent business, not a mom and pop stand. This business activity is not in keeping with the current agricultural and residential area and is not part of the city's master plan. What do we do with a building of that size if the business fails or moves? A building of this size with this zoning would be extremely difficult to lease and the building may stand empty for year inviting vandalism and safety concerns for the community. I have a very personal interest in this and that this is a great business model but this is the wrong location.

Larson let me pull this back to the commissioners for the moment, we are running out of time so how would we like to proceed? At this point I think we need to continue the item because I haven't been able to read the 61 comments that were posted today and I would personally like to go through those. I'm sorry to cut this off.

Allen motioned to continue the Jacob's Cove Heritage Farm for up to 60 days; *Ellis* seconded; **Passed 6, 0.**

Harrild we will notice property owners up to 300 feet away. If you live more than 300 feet away you may leave an email address with us and we will notice you by email.

07:21:00

#3 Thain Subdivision and Boundary Line Adjustment (Danny Thain)

Harrild reviewed Mr. Danny Thain's request for a recommendation of approval to the County Council for a 2-lot subdivision and a boundary line adjustment on 131.69 acres of property located in the Agricultural (A10) Zone at approximately 4748 North 3200 West, Benson. This item was continued from the June 6, 2013 meeting. An agreement regarding access has been reached and the application is ready to move forward.

Watterson motioned to recommend approval of the Thain Subdivision and Boundary Line Adjustment to the County Council with the stated conditions and findings of fact: *Olsen* seconded; **Passed 6, 0.**

07:24:00

#4 North Valley Landfill Conditional Use Permit (Issa Hamud)

Harrild reviewed Mr. Issa Hamud's request for a recommendation of approval to the County Council for a conditional use permit (CUP) to allow the placement of a solid waste landfill on 320.26 acres of property in the Agricultural (A10) Zone and Public Infrastructure (PI) Overlay Zone at 14200 Stink Creek Road, ~4.50 miles north of Clarkston. This item was continued from the July 18, 2013 meeting. Staff has received a letter from the applicant, Logan City, in regards to a request about condition #10 and the number of trucks. The other item is memo from the Cache County Attorney's office about the determination of non-developable sensitive areas. The memo states that in regards to any acreage with sensitive areas on it, none of the areas may be developed or built on except for required public utilities and facilities. If it is not one of those applicants may appeal to the County Council for an exception. The County Council can make a decision regarding the sensitive areas and their developability. It also specifies that the state has completed a geotechnical analysis and has approved it and issued a permit. This memo details that given the exception for public utilities and facilities as stated within the Cache County Ordinance, the ability for the County Council to allow development on these slopes, and given the State's review and approval of the geologic and geotechnical analyses for a Class 1 Landfill, the Cache County Attorney's Office has determined that the provided analyses are adequate and meet or exceed the requirements of the Cache County Ordinance.

Staff and Commission discussed the public comment in regards to the geotechnical report and review. The ordinance section 17.18 that is available on line has not been updated. The commenter has been contacted and notified of the correct language. The county does not have the expertise to review the geotechnical report so typically staff sends it to the state for review. In this case the state had already reviewed the geologic and geotechnical information and issued

approval. Condition #10 was discussed. The current wording is hard to enforce and doesn't accomplish what the commission believes it should. Also the number of trucks is driven by economics and the amount of garbage that is being collected. Logan City has no desire to run trucks that are not full. Part of the reason for this condition was concern expressed through public comment regarding the truck traffic generated by the landfill. If the landfill begins taking garbage from other areas that would require a new state permit and expanded county permit.

Mr. Hamud you have a condition already in there and if the landfill accepts garbage from an outside area you have that condition here that we have to reapply.

White and don't you have to reapply to the state?

Mr. Hamud absolutely. Like has been mentioned, we are not going to run dry trucks. Our long term plan is to develop a transfer station on the north end to eliminate that one day a week run but we don't know when that will exactly be. That depends on the growth and development of the north end. We want to be efficient as possible and with regards to the transfer; we are trying to minimize traffic.

Condition #10 was discussed and the language was changed. It now reads, "All waste shall be delivered to the landfill via transfer semis with the exception of once per week when local collector trucks shall make direct deliveries to the landfill. Allowance will be made to accommodate holiday schedules or other minor servicing needs". Condition 11 was discussed and no changes were needed. Condition 12 was discussed; many commissioners had questions regarding the fencing of the landfill.

Larson the trash fencing, is that going to be around the individual cell while it's being used or around then entire property?

Mr. Hamud there are two types of fencing. The fencing on the property that we will operate at that particular time and also the trash fencing that will move to meet the direction of the wind. Also with regards to the roadway we do have volunteers that help with trash pickup.

Larson 320 acres, so the perimeters of that acreage will be open or fenced?

Mr. Hamud it will be open, but the immediate 5 to 10 acres in use will be fenced and then that fence will grow to meet our needs.

Larson will the cell in use ever be at the property line or will it always have a buffer of acreage around it?

Mr. Hamud there is a buffer. Some areas will be closer to the property line but there will always be a buffer.

Larson so what would be the smallest buffer zone?

Mr. Hamud I couldn't say off the top of my head.

Larson so you couldn't go right to the property line?

Mr. Hamud there is a buffer requirement, especially if there are homes or a church near the property.

Brett Mickelson around landfills there is typically enough room for maintenance so that we can have control for the water runoff. So the minimum could be 30 feet or in other instances hundreds of feet.

Larson in the public comment we've received, a lot has been mentioned regarding soils, runoff, and sloughing when you excavate. If with the excavation you are farther away from the perimeter of the property then if something runs off you still on your property, right?

Mr. Mickelson yeah, the smallest buffer is on the north end and everything on the west there is hundreds of feet.

Larson okay, what has been mentioned has mainly been the Westside so if you have a bigger buffer there that may resolve some of those issues.

Condition 13 was discussed. Any expansion or modification would trigger a review of the permit at the state and county level. Access route considerations were discussed. Staff has written a report to be forwarded to the County Council with the conditions of approval and findings of fact regarding access route considerations.

Sands I need to disclose that the company I work in and have part ownership in does work for the City of Logan but I have not worked on any projects regarding this proposal.

All public comment that was received as of July 30, 2013 has been posted to the County website. Comment after that has not been posted but will be before the County Council meeting. Sands motioned to extend the meeting up to 8:30; Allen seconded; Passed 6, 0.

Allen motioned to recommend approval of the North Valley Landfill Conditional Use Permit to the Cache County Council with the stated conditions and findings of fact; Watterson seconded; Passed 6, 0.

Ellis motioned to approve the memorandum as a recommendation to the County Council; Olsen seconded; Passed 6, 0.

08:05:00

#5 Discussion: One Lot Subdivision, Agricultural Remainders, Agricultural Subdivision, and Subdivision Amendments

Staff is reviewing if one lot subdivisions, agricultural remainders, and agricultural subdivisions work best as an administrative approval. The remainder does not factor in to density for development.

Questions regarding drainage were answered. Drainage that is in excess of what naturally drains off the property must be retained. Anything that naturally flows off that site and comes across the site is not the responsibility of the property owner. This is a problem that is pervasive through the southwest area of the county. Drainage requirements have been added to CUP's before and can be added to CUP's in the future as well.

08:15:00

Adjourned