



4:45 p.m.

Workshop in the County Council Chambers.

5:30 p.m.

Call to order

Opening remarks/Pledge – Brady Christensen

Review and approval of agenda.

Review and approval of the minutes of the May 8, 2014 meeting.

5:35 p.m.

Consent Agenda

- (1) **CV Wireless Conditional Use Permit** – Ferris Jorgensen is requesting a conditional use permit to allow 2-20' tall towers and 5 short pole mount antennas for broadcasting wireless internet located on a portion of 183 acres of property in the Public Infrastructure (PI) Overlay Zone on Crow Mountain at approximately 7530 North Highway 91, Smithfield.

Regular Action Items

- (2) **Discussion:** Title 17.06 – Uses.
- (3) **Training:** Conditional Use Permits.

Board Member Reports

Staff reports

Adjourn



PLANNING COMMISSION MINUTES

08 MAY 2014

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1 **Present:** Stephanie Nelson, Chris Harrild, Josh Runhaar, Jason Watterson, Brady Christensen, Chris
2 Sands, Phillip Olsen, Leslie Larson, Layne Parker, Jon White, Denise Ciebien Megan Izatt

3
4 **Sands** welcomed and **Olsen** gave opening remarks

5
6 **Agenda**

7
8 Passed with no changes.

9
10 **Minutes**

11
12 Passed with no changes

13
14 **05:34:00**

15
16 **Consent Action Items**

17
18 **#1 Moake Subdivision – (Steven Taylor)**

19
20 **Harrild** reviewed Mr. Steven Taylor is requesting a recommendation of approval to the County Council
21 for a 3-lot subdivision on 10 acres of property in the Rural (RU2) Zone located at approximately 1833
22 North 8000 West, Petersboro.

23
24 **#2 Walker Subdivision (Lance A. Walker)**

25
26 **Harrild** reviewed Mr. Lance A. Walker's request for a recommendation of approval to the County
27 Council for a 2-lot subdivision on 5.18 acres of property in the Agricultural (A10) Zone located at
28 approximately 6295 North 800 West, Smithfield.

29
30 ***Olsen** motioned to recommend approval for the Moake Subdivision and Walker Subdivision with the
31 stated conditions of approval and findings of fact; **Larson** seconded; **Passed 6, 0.***

32
33 **05:38:00**

34
35 **Regular Action Items**

36
37 **#3 Casper's Conditional Use Permit (Kyle Smith)**

38
39 **Nelson** reviewed Mr. Kyle Smith's request for an approval for a Conditional Use Permit (CUP)
40 expansion on 23.42 acres of property in the Industrial Zone located at approximately 11805 North 200
41 East, east of Lewiston. Access is from 11600 North and private road 250 East are adequate. The project
42 will be done in three phases and there has been no public comment received. The Fire District has
43 commented back and would like Casper's to submit plans for review for the future water supply and fire
44 department access, prior to construction.

45
46 **Kyle Smith** the first phase is a cold storage/dry storage expansion. We are in the need of additional cold
47 and dry storage.

48
49 **Watterson** what type of refrigeration?
50

1 **Kyle Smith** Phase one is going to be ammonia and the second phase will also have some Co2 cold
2 storage.

3
4 **Sands** the two ponds to the east, are they part of your system?

5
6 **Mr. Smith** they are, its part of the processed water from the plant.

7
8 **Olsen** are all three phases under one CUP?

9
10 **Runhaar** they are. When phase two comes in for building permits, staff will oversee that. Unless there
11 are major changes to what has been applied for under the CUP the commission won't see this again.

12
13 **Sands** your new road on the east side of your new building where it comes to the south, would it tie back
14 into the existing road?

15
16 **Mr. Smith** yes, it will come around the back and will tie in. I guess Cub River Drive could continue if
17 someone wanted to develop further down. Cub River Drive isn't paved but at some point when we do
18 phase 2 it will be the access to the expansion facility. When Cub River Drive was put in, we designed the
19 road in so they will exit the Sport's complex from a single point where right now it is open and does pose
20 a safety issue.

21
22 *Olsen motioned to approve Casper Ice Cream's conditional use permit with the stated conditions of*
23 *approval and findings of fact; Larsen seconded; Passed 6, 0.*

24
25 **05:44:00**

26
27 **Sprint Crow Mountain CUP Expansion (Steve Crain)**

28
29 **Nelson** reviewed Mr. Steve Crain's request for approval for a CUP to allow the replacement of 4
30 antennas and 2 cabinets and the placement of two additional antennas on an existing
31 telecommunications tower located in the Agricultural (A10) Zone and Public Infrastructure
32 Overlay (PI) Zone located at approximately 7603 North 1000 East, north of Smithfield. Access
33 to the property is from a private, gravel road off of Highway 91. The proponent has made the
34 necessary improvements to the existing roadway as noted by the Cache County Fire District and
35 it is now adequate. The proponent has talked to UDOT regarding access and they have no
36 concerns. There is a violation on the property and permits shall not be issued until the violation
37 has been resolved. The violation consists of two lattice towers and several small panels that have
38 been put up without any permits. The Sprint towers are not in violation.

39
40 **Justin Nelson** I am an employee of Sprint and we contract with Steve Crain for service. This is
41 the last site in the state that we need to upgrade and this is really hurting our customers that we
42 haven't been able to update the site.

43
44 **Sands** obviously we are in a situation where we can't approve something that is on a lot that is
45 not in compliance. We can approve this tonight with the condition that the violation is fixed.

46
47 **Mr. Nelson** I understand that, but what is our recourse to make sure that this violation is taken
48 care of?

1 **Harrild** your best option is to work with the property owners.
2
3 **Larson** it's not the towers, it's what is attached to the towers?
4
5 **Harrild** it is the towers because there are no permits.
6
7 **Larson** I think your best recourse is to go back to your lease agreement and see if it says
8 anything about impacting your interests.
9
10 **Mr. Nelson** we lease a small portion of his property and don't have anything to do with the rest.
11
12 **White** you'll need to talk to the property owner and tell them, where you pay more rent, you are
13 leaving if they don't take care of the problem.
14
15 **Larson** that is what I'm suggesting also.
16
17 **Mr. Nelson** that is true, but we have a substantial investment in this property due to the fiber that
18 has been ran up the towers. That would be a last resort for Sprint at this point.
19
20 **Larson** is the property large enough to do a subdivision permit?
21
22 **Runhaar** it is, but it would take a great deal longer.
23
24 **Staff and Commission** discussed possible solutions for the violation. There are several options
25 but the best option is for the person who has placed the unpermitted towers to come in and
26 acquire the permits. When the county notices a violation, they first contact the property owner
27 and try a soft approach but if that doesn't work we can send the Sherriff's Office out to notice
28 them again.
29
30 **Jay Davis** My mom and dad own this property. They are old and it is difficult for them to come
31 in so I am here for them. We didn't know that the site you are discussing wasn't permitted or
32 above board. There is a lot up there but we have to sit on him to get him in here to do what he
33 needs to, but it is unfortunate that we are holding up this process.
34
35 **Harrild** I highly recommend that you keep putting the pressure on him.
36
37 **Mr. Davis** what is the minimum length of time that this would take?
38
39 **Harrild** a month to a month and a half.
40
41 **Mr. Davis** so he has to submit the application and pay the fee, does he have to come before this
42 board?
43
44 **Harrild** he does.
45
46 **Mr. Davis** is there anything that would make it so he wouldn't pass this board?
47

1 **Harrild** as of right now, from what I know, no. He needs to have a letter of intent with the
2 application and if I don't have that, I have nothing to review and that is what is holding us up.

3
4 **Sands** he has to put the application in, in the next week or he won't make the next meeting and it
5 will take that much longer.

6
7 **Christensen** motioned to recommend approval for the Sprint Crow Mountain Conditional Use
8 Permit with the stated findings of fact and conditions of approval; **Watterson** seconded; **Passed**
9 **6, 0.**

10
11 **06:09:00**

12
13 **Discussion – Special Improvement Districts**

14
15 **Runhaar** Presentation on Special Improvement Districts.

16
17 **Staff and Commission** discussed road improvement maintenance and funding. Since 2003 the
18 funding for Class B roads, which comes from gas tax, has steadily declined. The decline is due
19 to more fuel efficient cars and people switching to alternative fuel vehicles. For every dollar
20 spent, only 54.4 cents comes from ongoing Class B funding. The cost of maintenance is causing
21 problems. There are grants for capacity increasing projects but not for maintenance projects.
22 Since 2003 there has been an increase by 16.6% in funds but the county has increased its
23 weighted roads by 21%. There has also been a decrease in funding per mile 2004 to 2003. The
24 Planning Commission can help some with the problem by fronting new homes onto existing
25 roads and trying to not increase new roads. The planning commission asked staff to note the
26 fiscal impact of development in the staff report for future projects.

27
28 **07:07:00**

29
30 **Staff Update**

31
32 Staff had been running one lot subdivision through the office without bringing them before the
33 commission and the County Council and it has been working very well.

34
35 **7:08:00**

36
37 **Adjourned**

STAFF REPORT: CV WIRELESS CONDITIONAL USE PERMIT

05 June 2014

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

Agent: Ferris Jorgensen

Parcel ID#: 08-020-0001

Staff Determination: Approval with conditions

Type of Action: Administrative

Land Use Authority: Cache County Planning Commission

PROJECT LOCATION

Reviewed by: Stephanie Nelson, Planner I

Project Address:

7603 North 1000 East

North of Smithfield

Current Zoning: A Portion of 183 Ac.

Agricultural (A10) Zone and

Public Infrastructure Overlay (PI) Zone

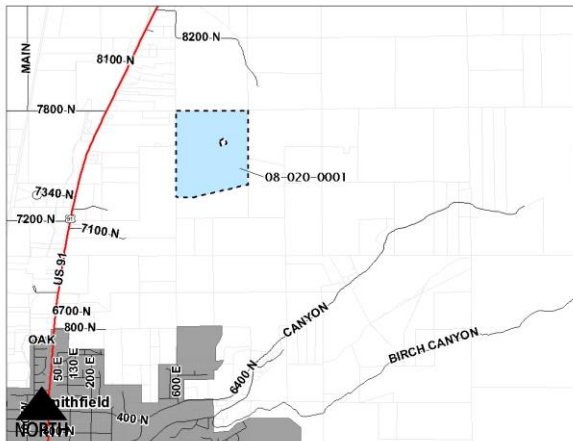
Surrounding Uses:

North – Agricultural/Telecom facilities

South – Agricultural/Telecom facilities

East – Agricultural/Telecom facilities

West – Agricultural/Telecom facilities



PROJECT PURPOSE, APPLICABLE ORDINANCE, SUMMARY, AND PUBLIC COMMENT

Purpose:

To review and make a decision for a conditional use permit to allow two ~20' towers and five short pole mount antennas located in the Agricultural (A10) Zone and Public Infrastructure Overlay (PI) Zone at approximately 7603 North 1000 East.

Ordinance:

This proposed use is best defined as "6240 Telecommunication Facility" under Cache County Ordinance §17.07 Definitions, and as per §17.09.030 Use Related Definitions, is permitted as a conditional use in the Public Infrastructure (PI) Overlay Zone only if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses. These procedures are detailed under §17.06.060 Conditional Uses and §17.06.070 Standards and Criteria for Conditional Use.

Summary:

Two towers ~20’ tall and 5 short pole mount antennas ~7’ tall were placed on this parcel without approvals. A portion of this parcel was rezoned to include the Public Infrastructure (PI) Overlay zone on 6 November 2013 as Ord. 2013-15. Said structures are within the Public Infrastructure (PI) Overlay zone. There are other existing towers and equipment buildings that received approval in the immediate vicinity. The issuance of this permit would resolve the restriction on this property that was created by the placement of said structures without approvals.

Access:

- Access to this property is from a private, gravel and dirt road that is accessed from Highway 91 and is adequate.
- Water supply for fire protection will be provided by Smithfield fire.
- UDOT has no concerns in regard to the existing access.

Public Comment:

Notices were mailed to the property owners located within 300 feet of the subject property. At this time, no public comment regarding this proposal has been received by the Development Services

STAFF DETERMINATION AND FINDINGS OF FACT (3)

It is staff’s determination that the request for a conditional use permit for CV Wireless, located in the Agricultural (A10) and Public Infrastructure (PI) Overlay zone at approximately 7603 North 1000 East with parcel number 08-020-0001 is in conformance with the Cache County Ordinance and should be approved. This determination is based on the following findings of fact:

1. The CV Wireless conditional use permit has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The CV Wireless conditional use permit has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Cache County Code and the requirements of various departments and agencies.
3. The CV Wireless conditional use permit has been reviewed in conformance with §17.06.070 of the Cache County Ordinance, Standards and Criteria for Conditional Use, and conforms to said title, pursuant to the conditions of approval.

CONDITIONS OF APPROVAL (2)

The following conditions must be met for the development to conform to the County Ordinance and the requirements of county service providers.

1. Prior to recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
2. Any further expansion or modification of the facility or site shall require the approval of the designated land use authority.

LETTER OF INTENT – CONDITIONAL USE PERMIT

In describing your proposed use, address *all* items in the list below. A Master Plan is required for conditional uses that require multiple phases and/or longer than 3 years for construction.

Explain your request in detail. At a minimum you must describe the following:

- See Attachment
Letter of Intent*
- a) Describe the proposed use. Identify all proposed uses, operations of each use, square footage of buildings, unique characteristics of the property, and any and/or all other relevant information.
 - b) Number of employees. Indicate the number of employees that are residents of the property.
 - c) Hours of operation. Specify days of week and hours each day.
 - d) Traffic and parking. State the anticipated employee and customer traffic, how adequate parking will be provided, and the number and type of deliveries sent and received (mail, UPS, semi-truck, etc.). A parking analysis as defined by §17.22 of the County Code may be required.
 - e) Signage. Attach a dimensioned graphic of any signage proposed for the site. See §17.23 of the County Code for the county sign standards.
 - f) Equipment. Identify the types of equipment involved in the operation of this use (vehicles, machinery, etc.).
 - g) Waste and/or garbage. Describe the process you will use in disposing of waste generated by your proposed use.

A site plan showing the proposed layout of the subject property including:

- See Exhibit
1 & 2*
- a) North arrow
 - b) Street names and numbers (within and adjacent to your property).
 - c) Existing and proposed buildings.
 - d) Fences, landscaped areas, detention/retention ponds, parking, utility/service areas, and similar.
 - e) Any existing easements or rights-of-way on the site.
 - f) Any sensitive areas as defined by §17.18 of the County Code.
 - g) Complete dimensions indicated to scale.
 - h) Necessary explanatory notes.

N/A **If new construction is proposed, building elevations that must include:**

- a) Elevations of all sides of the proposed building(s).
- b) Proposed building materials.
- c) Complete dimensions indicated using architectural scale.
- d) Necessary explanatory notes.

All plans (site plan and building elevations) must convey sufficient detail to explain the issue and nature of the request clearly and must include any information that clarifies the requirements.

#2

Letter of Intent – Conditional use permit for Crow Mountain

a: Please see exhibit 1 and 2

- Exhibit 1 shows the entire hill top area.
- Exhibit 2 showing area for the conditional use permit.

The use of said property is solely for broadcasting of wireless internet to residential and small businesses.

a: There are seven points (locations) on the property used for the housing of equipment and broadcast of wireless signals. These points range in size and height from 3x3 feet to 4x10 feet in dimension, with the one larger area of 4x10 feet used to house management equipment and hardware. The smaller areas are used for placement of antennas for the actual broadcasting of radio signals.

Included within these areas are two small towers (under twenty feet in height), and five short pole mounts (under seven feet in height) used for the mounting of antennas and radio gear.

Next to our location there are much taller and larger towers than ours which arrange from 30 feet to well over 100 feet in height. There is housing units for the needed equipment and hardware at this site as well. The towers and housing next to our site I believe to be used by Sprint and T Mobil wireless operations.

b: There will be no employees that reside on the property. The property is visited for maintenance purposes only on an infrequent basis.

c: The broadcasting of wireless signals for internet connectivity takes place continually, and there are not set hours of operation.

d: There are no designated parking area on top of the mountain, with large open areas available for parking purposes.

e: No didn't believe any signage is required, nor has been posted.

f: There is no machinery or vehicles involved in providing internet services at the top of Crow Mountain.

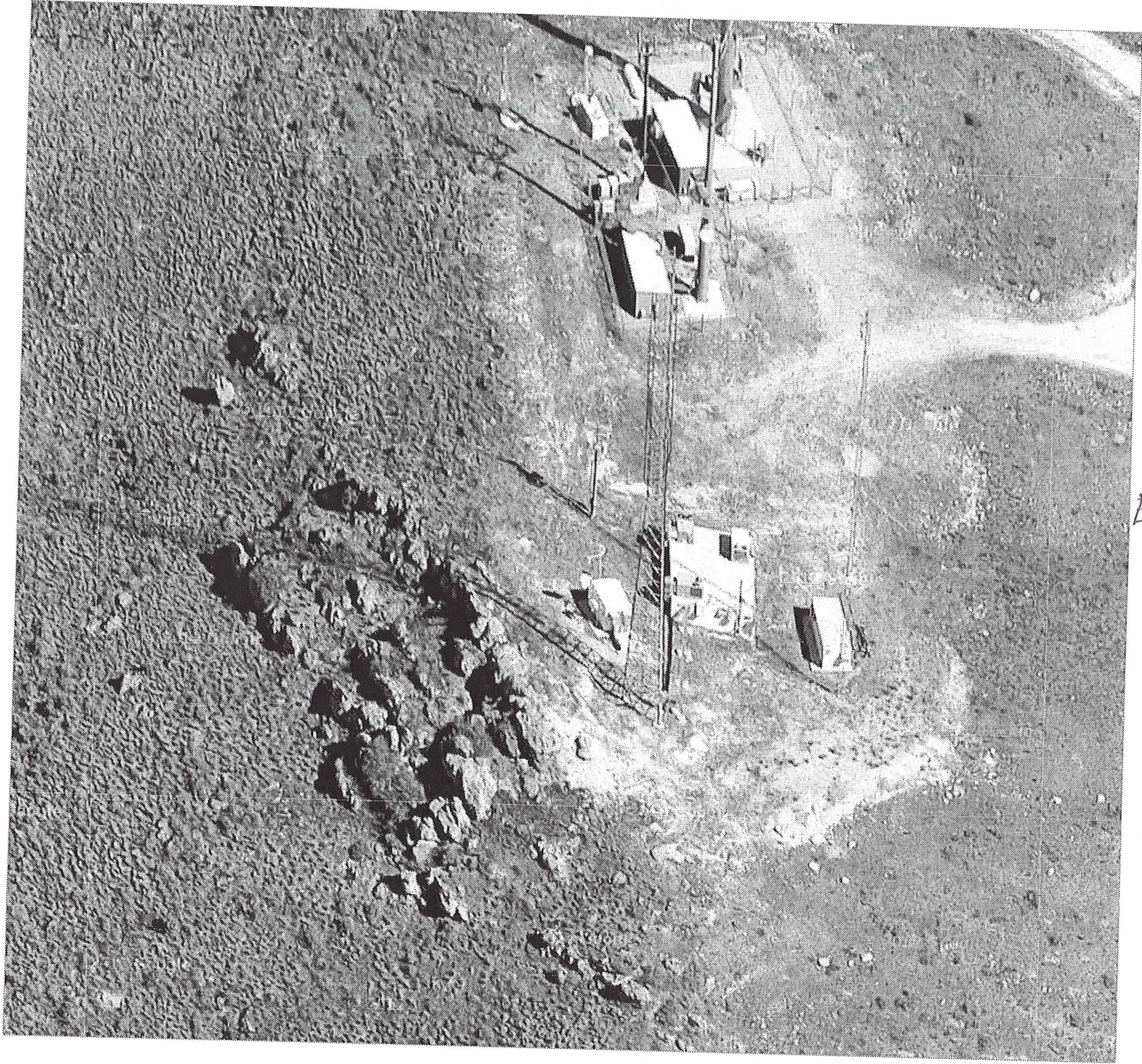
g: There is no waste generated and no need for waste and/or garbage pickup.

Exhibit 1

Google

↑ north

To see all the details that are visible on the screen, use the "Print" link next to the map.



West

EAST

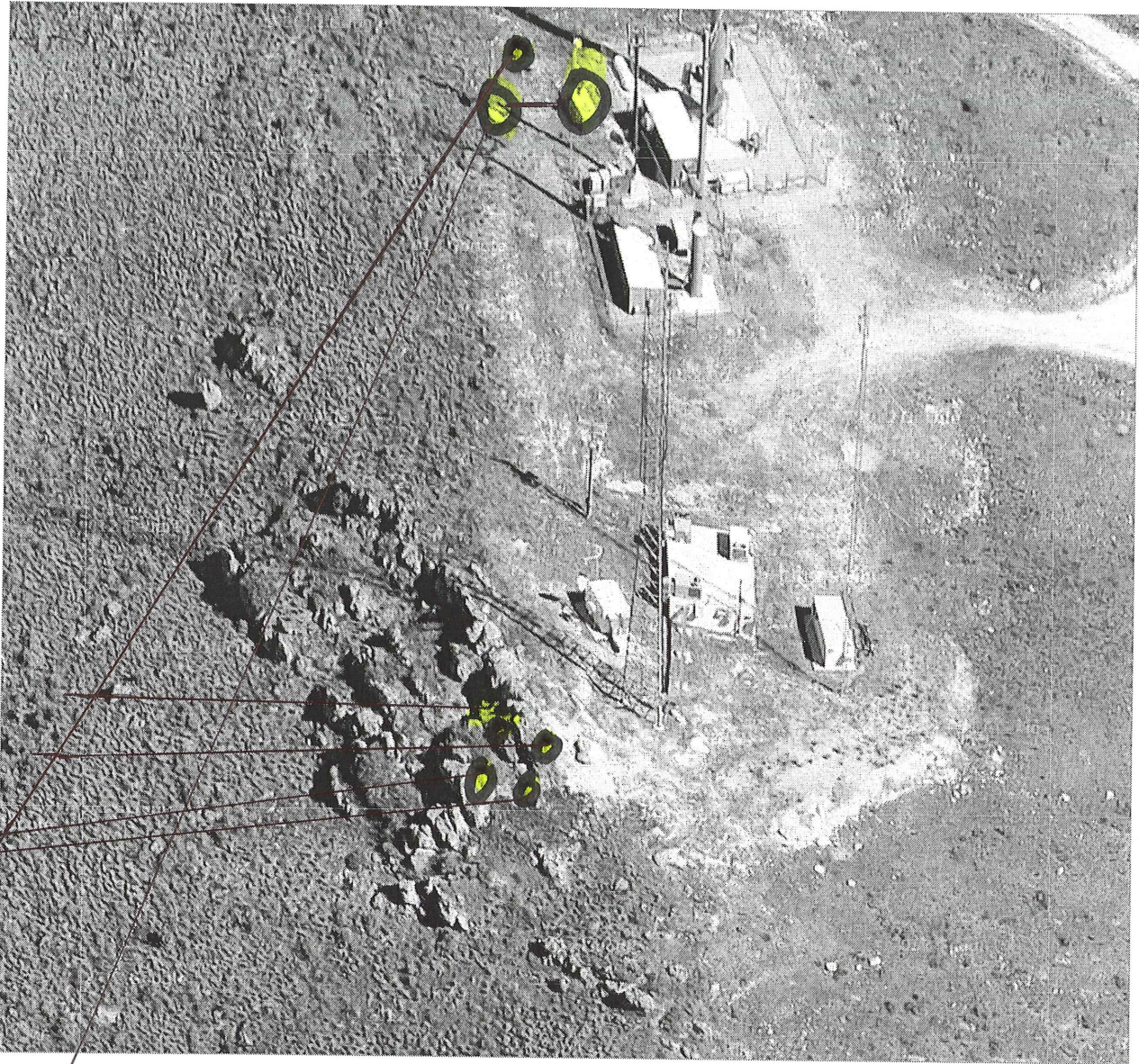
South

VIEW of Site

Google

Exhibit 2

To see all the details that are visible on the screen, use the "Print" link next to the map.



● points of Broadcasting wireless Internet
C U wireless / Dba Beeline Digital

20' TOWERS (2)

17' short pole (5)
mounts -

17.06 USES – AMENDMENT ITEMS

Change throughout

Remove “Temporary Use” and “Small Business” from language
Replace “Zoning Administrator” with “Director”
Reformat organization of uses and their standards as necessary
Clean up language and reference directing code sections
Rewrite for clarity

17.06.070 - Standards and Criteria for Conditional Use

Rewrite for clarity – a specific concern regarding the broad language in the standards and criteria (1-5) has been noted by the Planning Commission on several occasions when considering CUP’s (see below):

- A. The Planning Commission shall review a conditional use request with the following general standards and criteria:
1. The use applied for at the location proposed is necessary or desirable to provide a service or facility that will contribute to the general well being of the area and the county;
 2. Compatibility of the proposed use with the intent, function and policies established in the Cache Countywide Comprehensive Plan;
 3. Compatibility of the proposed use with the character of the site, adjacent properties and other existing and proposed development;
 4. The availability of, or ability to provide adequate services, drainage, parking and loading space, fire protection, and safe transportation access and vehicular circulation;
 5. Such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity;
 6. If the planning commission determines that the standards of this section cannot be met and that adequate mitigation measures cannot be imposed to bring the use into conformity with the standards and criteria, the planning commission may deny the request for a conditional use permit.
- B. In approving a conditional use permit, the planning commission may impose such reasonable conditions with respect to location, construction, maintenance, operation, site planning, traffic control, flood control, time limits, and other items for the conditional use permit as deemed necessary for the protection of adjacent properties and the public interest. The planning commission may require guarantees or other evidence that such conditions will be met and complied with.

17.06.080 – Revocation or Modification of a Conditional Use Permit

Change the expiration timeline for CUPs from 18 mos. to 12 mos. – reflects the timeline for subdivision approval

Need to define nuisance or address intent in a different manner (see item B.4)

- B. A conditional use permit may be modified or revoked by the Planning Commission if the Planning Commission finds that one or more of the following conditions exist:
1. The conditional use permit was obtained in a fraudulent manner.
 2. The use for which the conditional use permit was granted has now ceased for at least eighteen (18) consecutive calendar months.
 3. The nature of the use for which the conditional use permit was granted has changed or the intensity of use has increased beyond that originally approved.
 4. The use constitutes a nuisance.
 5. One or more of the conditions of the conditional use permit have not been met.

17.06.100 – Temporary uses, 17.06.110 – Standards and Criteria for Temporary Uses

Delete – Uses are no longer recognized as temporary