



**PLANNING COMMISSION MINUTES**

**08 MAY 2014**

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

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

### Agenda

Passed with no changes.

### Minutes

Passed with no changes

**05:34:000**

### Consent Action Items

#### #1 Moake Subdivision – (Steven Taylor)

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

#### #2 Walker Subdivision (Lance A. Walker)

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

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

**05:38:00**

### Regular Action Items

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

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

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

**Watterson** what type of refrigeration?

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

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

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

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

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

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

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

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

**05:44:00**

### **Sprint Crow Mountain CUP Expansion (Steve Crain)**

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

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

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

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

**Harrild** your best option is to work with the property owners.

**Larson** it's not the towers, it's what is attached to the towers?

**Harrild** it is the towers because there are no permits.

**Larson** I think your best recourse is to go back to your lease agreement and see if it says anything about impacting your interests.

**Mr. Nelson** we lease a small portion of his property and don't have anything to do with the rest.

**White** you'll need to talk to the property owner and tell them, where you pay more rent, you are leaving if they don't take care of the problem.

**Larson** that is what I'm suggesting also.

**Mr. Nelson** that is true, but we have a substantial investment in this property due to the fiber that has been ran up the towers. That would be a last resort for Sprint at this point.

**Larson** is the property large enough to do a subdivision permit?

**Runhaar** it is, but it would take a great deal longer.

**Staff and Commission** discussed possible solutions for the violation. There are several options but the best option is for the person who has placed the unpermitted towers to come in and acquire the permits. When the county notices a violation, they first contact the property owner and try a soft approach but if that doesn't work we can send the Sherriff's Office out to notice them again.

**Jay Davis** My mom and dad own this property. They are old and it is difficult for them to come in so I am here for them. We didn't know that the site you are discussing wasn't permitted or above board. There is a lot up there but we have to sit on him to get him in here to do what he needs to, but it is unfortunate that we are holding up this process.

**Harrild** I highly recommend that you keep putting the pressure on him.

**Mr. Davis** what is the minimum length of time that this would take?

**Harrild** a month to a month and a half.

**Mr. Davis** so he has to submit the application and pay the fee, does he have to come before this board?

**Harrild** he does.

**Mr. Davis** is there anything that would make it so he wouldn't pass this board?

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

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

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

**06:09:00**

### **Discussion – Special Improvement Districts**

**Runhaar** Presentation on Special Improvement Districts.

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

**07:07:00**

### **Staff Update**

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

**7:08:00**

**Adjourned**