



PLANNING COMMISSION MINUTES

01 OCTOBER 2015

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Present: Stephanie Nelson, Chris Harrild, Josh Runhaar, Lane Parker, Phillip Olsen, Rob Smith, Leslie Larson, Jason Watterson, Brady Christensen, Jon White, Lee Edwards, Megan Izatt

Start Time: 05:30:00

Smith welcomed and **Larson** gave opening remarks

05:36:00

Agenda

Adopted with no changes.

Minutes

Adopted with no changes.

05:37:000

Regular Action Items

#1 Logan and Northern Canal Piping and Pressurization Conditional Use Permit (Marcus Simons)

Nelson reviewed Mr. Marcus Simons' request for approval for a conditional use permit (CUP) to allow the piping of the Logan and Northern Canal, located contiguous to North Logan and Hyde park (Agricultural, A10 Zone). Under the definitions section of the Cache County Ordinance this use falls under a 6220 Utility Facility, Distribution definition. It will follow the existing canal alignment and will range in size from 12" to 34" in diameter. The entire project also encompasses areas further north and south of the unincorporated project area. This project must also go through flood plain development permitting. Notices were mailed to property owners and no comment has been received.

Staff and commission discussed storm water issues. The cities will take responsibility for the storm water issues and the irrigation water will be fed to the pipe. The canal bed will still be in place but will most likely be smaller.

Zan Murray I am the project manager for this application. We've been working on this for 6-8 months and this is a continuation of the Cache Water Restoration project that enclosed the canal coming out of the canyon. This will take the load off several pumps that are used now to pressurize the water so it will save energy and the water will be much cleaner now. This will take care of the pressurization issues for all residents from Logan to Smithfield.

Smith what are the provisions for storm water?

Mr. Murray we have a meeting setup for next week with Josh to discuss the particulars of that. This canal will leave an open channel for storm water to drain into from Logan City to Smithfield. We have also made provisions to allow the cities to utilize that easement and enhance that area to convey water better than it does now if the cities elect to do so.

5:44:00

Watterson arrived.

Steve Parkinson the canal runs through part of my property and we filled out the survey and were told to go to a website and couldn't log on to it. When is the project going to occur?

Mr. Murray in the next couple of weeks.

Russel Gibbon I have a lot of concerns about this whole project. I think it's a quality of life issue. As the City and County Councils have looked at this project I have to wonder if the members have ever tubed down the upper canal. That opportunity is gone now. I think the open flowing canal will be an asset and a great benefit to the quality of life than this enclosure that will principally benefit a few agricultural interests. From what I have determined you are looking at the population doubling by 2040 and I sincerely doubt that Mr. Meikel will still be milking his cows where he is at now. That area will be residential and is rapidly evolving that way now. Complaints have come in letter to the editor in the paper and other venues about odors and stench from Mr. Meikel operation. I think we can reasonably expect those complaints to continue and intensify as population growth continues. The open flowing canal with its wonderful enjoyment of walking along the bank and it's cooling in the summer. It attracts wildlife and is a recreation opportunity for our youth, or used to be. For many of our youth and I think in the future that is an asset that we will value much more highly than being able to irrigate some property. I've been able to follow the county water plan somewhat as it is being promulgated. And a major component is for us to be taxed and create a water conservancy district and conserve our water. At some location it is going to be pumped uphill to Green Canyon and injected into the aquifer that is presently being replenished from the open flowing canals. This project only will benefit a few and will affect the quality of life in Cache Valley.

Runhaar I do want to mention that the water conservancy district has nothing to do with this.

Larson right, but to the extent that those things are out of our purview that needs to be established in the record.

Mr. Murray there was a question about population growth and how this will impact the quality of life. Water is one of Utah's most vital resources and using it in the proper ways and being effective in using it is important. The water that will be conserved from this project will take care of the indoor use of Hyde Park and Logan City for one year. That is a significant amount of water that will be saved for future use. The other item is that this project is not just for agricultural purposes. 40% of this project will be used by lawn and gardens and for people that have existing connections to the canal now. The benefit that will come is that those pumps that now pressurize that water will be taken off and that power conserved and gravity flow from the canyon will be used for that now and will benefit more than agriculture.

Larson and the returning to the aquifer, is that relevant?

Mr. Murray that isn't relevant to this project but is an idea being purposed by Bob Fotheringham and the County.

Planning Commission discussed some of the issues raised by the public comment. Members are sensitive to the recreation impacts that this project will have, but there are other recreation opportunities in the valley also. While agriculture will benefit from the project, more people will benefit from it than just agriculture. This project is going to conserve water and has more benefits than negative impacts.

Christensen motioned to approved the Logan and Northern Canal Piping and Pressurization Conditional Use Permit with the stated findings of fact and conditions; **Watterson** seconded; **Passed 6, 0.**

05:59:00

#2 Musselman Airport Conditional Use Permit (Greg Musselman)

Harrild reviewed Mr. Greg Musselman's request for approval for a conditional use permit (CUP) to allow a private airport on 114.32 acres of property located at 11800 South 1300 East, Avon (Agricultural, A10 Zone). In addition to the CUP, a private airport is required to provide a copy of any and/or all FAA reviews, forms, and analyses and a copy of the design criteria as per the current FAA airport design advisory circular AC 150/5300-13A. That circular clearly defines out what type of runway/airport is required according to the type of aircraft using the airport. Access to the project is by a dirt road and the fire district did review the project but still needs approval from the Fire Chief before they will conclude their review. It will be a considerable expense to improve that road. The applicant will be operating on a mowed grass surface and is intended to be 980 feet long. The airstrip will be on top of the hill. Specific to the site, the one concern that has been stated is the home near the end of the runway and if there will be frequent air traffic over that home. Staff did ask the applicant to address the concern. The plane does not require the whole 900 feet to take off but due to the FAA requiring the worst case scenario to be planned for, the 900 feet is required. The plane should take off within the first 500 feet of the runway and that should limit the traffic going over the top of that home. There are no specifications regarding hours of operation or seasonal use. The applicant will operate said aircraft at this site on a visibility basis. This means he is not using instruments for his landings/take off.

Watterson is the angle of the strip based on winds or how is that determined?

Mr. Greg Musselman the original strip was 826 feet long and we operated on it for 8 months. We've moved it from the original location trying to get it to a remote location. We tried to get the original location approved through the FAA but ended up moving the strip to the top of a bluff. The orientation of the strip goes with the prevailing winds. Predominately the wind has been out of the south but on occasion it does blow the other way but it is predominately a southern wind. The nearest home is down below the strip. I have no intention of flying over the homes in that area. To leave the ground the aircraft should be off the runway by 500 feet and then I would be turning to the east. One of the main reasons for this location is because it is so remote. We live very near here and I spent most of the day up there on a tractor and you couldn't hear me up there. The hill elevates to 248 feet and is very steep. The road is a steep, dirt road. I am anticipating operating the in winter time and we can access that strip by a snowmobile. There won't be any lights on the strip; we are not operating at night. The intent is to operate and respect our neighbors.

Watterson could you speak to the frequency of take-off/landings?

Mr. Musselman my schedule is that I am home two to three days a week. So the maximum would be a couple of take-offs two to three days a week. It's not going to be operated everyday and we are not going to be doing commercial operations. This is for commuting and personal use.

Harrild one concern that has been raised is that this site would be used to train pilots or used by other pilots and aircraft.

Mr. Musselman this airport is marked with a P on FAA maps which means that it is private and you have to have permission to operate off of it. However, my agreement with the landowner is that no one else will operate off of this strip. There will only be one plane operating off of this strip and that will be mine.

Parker what if you change aircraft?

Mr. Musselman 500 feet is pretty judicious for my plane. If you were to have a super cub or something they are bigger. A Cessna is too big to operate off of this strip. They might land, but they won't be taking off from this location. I can see a larger plan using this strip in an emergency situation but no other time. We want to be respectful to our neighbors and keep it quiet.

Chris Phillips my house is at the bottom of the runway and we are the reason he had to move it in the first place. I heard he had a piece of property that he was moving it to and we were happy with that. Now it is lined up with my house. If he moved it the other way we would be happy.

Mr. Musselman like I said the reason for the orientation of the strip is specifically for the wind. Also, the lay of the land isn't conducive to orienting it another way. As it sits right now, there is a small ditch line about 50 to 75 feet to the west of the strip and it runs right along the hump of the land. There is a ton of rocks on the other side of the strip and we did look at changing it. But this is where the landowner has asked that it be located and I'm grateful that he would allow us to do this. He would have like to rotate the runway 90 degrees but that puts us in crosswinds and that is not good for take offs/landings. If I were to take off and go over his house I would be 700 feet high and it is only required that I be 500 feet above a home.

Olsen the engine is quiet?

Mr. Musselman it isn't louder than a snowmobile and is only a two stroke.

Olsen there is a gate up there, is it locked?

Mr. Musselman there is a gate up there but it is locked at the landowner's request.

Olsen is the road something you would be willing to work on to make it more passable?

Mr. Musselman if the road is muddy or there has been a heavy rainstorm I won't be up there. And if the ground is soggy, you don't want to be landing on it. The intent is to have the strip be grass and I have cleaned it up a lot.

Olsen does he run cattle up there?

Mr. Musselman he doesn't run cattle there now. He possibly might in the future but that shouldn't be a problem.

Staff and commission discussed the issues with the road. The Fire District is not going to give a recommendation until the Fire Chief has reviewed the project. This type of use is new to the Fire District and they don't want to give a recommendation and set a precedent until they Fire Chief has been allowed time to review the project and he will be back on Monday. Staff is uncertain what the decision by the Fire District will be. The Fire District cannot pass liability off to the private citizen; they have to be comfortable with the decision before they will give a recommendation.

Mr. Musselman we have a volunteer firefighter down the road from us and I have talked to him many times. The access road to our property is here on the map. This section that I am pointing at is steep and gets no sun in the winter time. He told me that there would be no way to get a fire truck up there in the winter time. To me this is a personal liability situation but obviously the fire department can't offload liability. It's a good question and I would like to know what they have to say but we have access issues to our own up there in the winter time.

Staff and commission discussed the road issues. The ordinance requires that the fire department review the project.

Larson motioned to continue the item up to 90 days to allow for the fire district review; *Watterson* seconded; **Passed 6, 0.**

06:42:00

#3 Amalga MX Park Conditional Use Permit (Shane “T” Parker)

Nelson reviewed Mr. Shane Parker’s request for approval for a conditional use permit (CUP) to allow a motocross park on 25 acres of property located at 6700 North 1900 West, Amalga (Agricultural, A10 Zone). Staff has received a new letter of intent. The operation, if approved, would operate between 8-4 and would on two weekends during the month with random use during the week. Access to the site is inadequate. The private road does not have an easement to get to his property and that is a requirement for this approval. Anne May Duncan owns the property that the easement is needed for and she is strongly opposed to this use and does not want to grant that easement. The water line for Amalga does cross the property and has been marked. The code does provide that the application shall be approved with reasonable conditions if it is a permitted use. That is a much more supportable position for the Commission to take if this goes to court.

Staff and commission discussed the issues with the road and with the ordinance. Currently the application does not meet the ordinance with the marked access but the condition is written that the applicant has to provide access but it is not limited to this access point. There are other ways to access the property and one of those accesses may be used if they meet the road requirements. Hours of operation were discussed. The updated letter of intent was contradictory when it came to those hours.

Mr. Shane Parker two weekends a month is pretty open but that is the most we are going to operate. These weekends might be consecutive, they might not. The random week day is for my personal use of the property. As far as the access, if that road way doesn’t work out that is fine and we do have some other options for access from the current land owner that we can make work. I think you can see the basic idea and structure of what I’m trying to do here.

Parker I have a question about the sound, is 10 decibels a lot or a little?

Mr. Parker I would say that’s a little. I think I could stand on my property line and have a complaint about my neighbors for 10 decibels. Where did that come from?

Harrild that number comes from work we’ve done on or kennel ordinance and dogs barking. But what that identifies is also in reference to that loudness over time, or Leq. When we talk about noise, 10 decibels above ambient sound is quite a generous measure. Decibels increase at an algorithmic rate. The sound doesn’t just double, it’s an exponential doubling. Our research states that this is an adequate level to identify if there is a noise nuisance. If there is a more appropriate measure out there, we can do more research to see if there is a standard for motorcycles, but this is just in relation to noise in general.

Staff and commission discussed the sound study and noise. If you have one motorcycle that produces 50 decibels of sound and add one more, you aren’t at 100 decibels. You are at maybe 53 or 55. Law enforcement are not equipped with sound meters for noise complaints but the county can borrow one from Bear River Health Department or Logan City.

Parker it looks like the road currently being used isn't adequate, is there another access road that you can use?

Mr. Parker if we continue forward with this project.

Parker so there is another access point and the sound becomes the unknown at this point.

Mr. Parker it seems pretty straight forward with the sound. Either I pass or I fail, correct?

Harrild yes.

Olsen where is the other access?

Mr. Parker going north from the current access point there is a section we could use or we have a lot of property to the south we can use as an access as well.

Larson where would the noise readings be taken?

Watterson at the property line.

Harrild at the property line is correct. The impact shouldn't extend beyond the property line.

John Clark I am opposed to this project primarily because of the noise. Also I'm concerned about the water line that runs across this piece of property.

Cindy Parkinson I am opposed to this because of noise and because of safety; safety with the individuals that are coming to and from the track. I have personally almost had a head on with someone coming from this track. The roads are not wide enough for a commercial business in this area. I don't mean the gravel access road, but the actually paved roads. I know there have also been concerns expressed from some law enforcement officers about getting emergency personal to the track if needed.

Azeal Jensen I live on the river and down on the river bottoms sounds is amplified. It is so much noisier along the river bottoms than it is on the track. So I'm concerned with that and we value living in a quiet area and that doesn't happen with them there. My other concern is about the wildlife. We have a lot of wildlife that live in this area that will be affected by the noise as well.

Don Hansen I'm also concerned about the wildlife and the noise is horrendous. They do have a water truck over there to water the track and I'm wondering where they are getting the water from? If they are pumping out of the river that is illegal and I know Amalga is not granting permission to get water from their fire hydrants.

Rick Alder the measuring of noise was discussed and when that is done I think the number of motorcycles at the time of the reading needs to be taken into consideration. 50 to 75 motorcycles are different than 1 motorcycle. If he does create that other access, does it have to meet the county standards and how is that standard held to? The other thing that I haven't seen addressed is sanitation. I don't think one port-a-potty is enough for 70 riders and their families.

Scott Parkinson please be aware of the impact on property values. When you talk about the value of homes in that area you are talking in the millions. People came out there for the benefits of being rural and I'm not convinced this is a good area for this area.

Anne Mae Duncan there is no way that I will give an easement for that road to be used for this purpose. Can I put a gate up there to block them from using it if they build a new easement?

Smith we can't answer that type of legal question.

Ms. Duncan there is no way we will give an easement for this property. We have had trouble with them already tearing up the property in that area and my renter had to put a fence up to keep them off that property. We also have a sprinkler irrigation system there that could cause problems for people coming in and out.

Shawn Hansen I oppose this mostly for the noise. It is a horrendous noise. I think you should come out and actually listen to it. I know Boyd Facer does a lot of hauling of sand out of there, so is it considered an open pit? If it is an open pit, what about enforcing MSHAW requirements?

Mr. Shane Parker I think the noise concern is redundant. We are going to do the noise test and I agree with multiple tests being run. I don't want the police to have to be called on this.

Watterson I think the concern regarding sanitation should be addressed.

Mr. Parker yes I know sanitation is a concern and we plan on addressing that. There is one port-a-potty out there because that is the starting point.

Parker there have been concerns about the water line.

Mr. Parker the water line has been identified and is marked on the property also. It's avoided like the plague. I don't want to flood my track with water and I don't want to take Amalga's water. We do not touch that very clearly by the landowner's request. What I have been able to do and where I can go has been clearly defined by the property owners.

Parker where do you get the water for that water truck? From Smithfield City?

Mr. Parker yes, from Smithfield City. I also have clearance from Hyde Park to get water from there also. With the three weeks of rain we had this spring, we were actually pumping water off the property itself. We have never pumped from the river because it is illegal. I also have permission to hook on to the water rights on the property and pump from there.

Christensen is that pit still running?

Mr. Parker I believe Facer's haul sand out of their occasionally.

Staff and Commission discussed sanitation. This is a permitted use and the commission is looking for conditions that can be imposed. If the conditions that have been proposed by staff need to be amended the Planning Commission can amend those and the law/ordinances allow for that. The commission has expressed concerns with how to test the sound component. A sound engineer would do research and identify the critical areas to be tested. There is one firm in the county that does sound studies currently. The 10 decibel level has been established and is a good starting point. The last sound report that staff saw was broken down in detail. Discussion was also held about what was naturally in the area to help mitigate the sound. Hours of operation were discussed. Staff expressed the concern with enforcement of hours of operation and also stated the opinion that if the operation met the noise requirements then hours of operation shouldn't matter. However, if there is an issue with sound and if the sound study shows that at certain times of days the noise from the MX Park exceeds ambient noise then hours of operation can be

more effective. The 10 decibel limit is based on staff's research of other counties and residential requirements. For access staff doesn't care how the access happens as long as it meets the county standards and meets all other requirements. Access could happen to the north or south without using the private access across the Duncan property. Many commissioners expressed a desire to require a sound study be conducted before approval of the project can be granted. The sound study is looking for worst case scenarios and the engineer is going to test those areas and hopefully be able to propose some mitigation initiatives. Staff suggested that Bear River Health conduct a sanitation review.

*Olsen motioned to approve the Amalga MX Park with the findings of fact and conditions of approval with the addition of at 10th condition requiring a review by the Bear River Health Department; **Parker seconded; Passed 5, 1 (Smith voted nay).***

07:41:00

Commission members explained to the public that the approval is contingent on the 10 conditions of approval. The burden is on the proponent to show that the conditions have been met.

Staff Reports

Harrild The Wild Bunch Kennel will be remanded back to the planning commission and will most likely be on next month's agenda. Agri-tourism is a definition that needs to be added to the code and staff will draft some language to look at for that.

7:57:00

Adjourned.