**Development Services Department**

Building | Surveying | Engineering | GIS | Planning & Zoning | Roads | Weeds



**Planning Commission Minutes 09 April 2015**

**Item Page**

1. **Funk Subdivision Amendment 2**
2. **Paradise Horizon Subdivision 3**
3. **Discussion: Title 17-Airstrip 4**
4. **Discussion: Title 17.23 Signs Removed from agenda**
5. **Discussion: General Plan 7**

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

**Start Time:** 05:30:00

**Sands** welcomed and **Smith** gave opening remarks

**05:33:00**

**Agenda**

Approved with the removal of item #4.

**Minutes**

Approved.

**05:36:000**

**Consent Agenda**

**Planning Commission** moved item #1 Funk Subdivision Amendment from the consent agenda to the regular action item agenda.

***Larson*** *motioned to move item #1 to the regular action items due to possible public comment;* ***Smith******seconded****;* ***Passed* *6, 0.***

**Regular Action Items**

**#1 Funk Subdivision Amendment (Matthew Funk)**

**Nelson** reviewed Mr. Matthew Funk’s request for a recommendation of approval to the County Council for the addition of one non-buildable lot to an existing subdivision on 53.3 acres of property in the Agricultural (A10) Zone located at 1075 South State, Richmond.

**Alan Lower** there is a well on the Funk property and has been tested as a good quality water source and we would like to secure that for our business. We use a lot of water in our business and that would help up with future growth and independence. The neighbors are here and I would like to make them happy and we don’t want to impact their lives. We would like to build a structure and bring in power and utilities. There will be a storage tank and then gravity feed it down to Lower Food.

**White** the water rights to the well, how many gallons and how is it used now?

**Mr. Lower** it is an irrigation well and we are currently working on transferring the rights.

**Terry Holden** I border this property all the way up to the spring. I was concerned about their access but was told there is going to be a road right up the edge of my property. I am concerned with dust and how that is going to impact my home and I am concerned with how they are going to power this. There is an engine up there now and that isn’t a concern. I guess the main concern I have is dust from the road being used.

**Robert Dahl** Mr. Lower may have touched on this subject but one of my concerns is the noise level from this but he is talking about an electric pump and don’t think it is going to be an issue. I live right next to the well and own part of the spring but don’t think this is going to be an issue.

**Staff and Commission** members discussed what might come back to the Commission if this proceeds. If a water tank is built on site that might come back to the Commission depending on the size of the tank.

**Mr. Lower** using a water source that is not a city source for a meat facility, the water would have to be tested monthly but other than that we don’t see this being a high traffic area. We would put in an insulated building and Matt doesn’t want an eye sore so the building will be nice.

***Larson*** *motioned to recommend approval of the Funk Subdivision Amendment to the County Council based on the four findings of fact;* ***Smith*** *seconded;* ***Passed* *6, 0.***

**#2 Paradise Horizon Subdivision (Ray Balls)**

**Nelson** reviewed Mr. Ray Balls request for a recommendation of approval to the County Council for a 3-lot subdivision on 20.19 acres of property in the Agricultural (A10) Zone located at approximately 800 East 8600 South, Paradise. Access is from 8600 South and is mostly adequate. There are two portions that need to be improved; one is the canal crossing and the second, the private road point of access to county road 8600 South. Both sections of the road are 18’ wide in these locations. At the private road access, 8600 South must meet the county standards of a 22’ wide paved surface with 1’ wide gravel shoulders. The applicant has responded that they are willing and intend to make the necessary road improvements as noted. The private access road will only be serving three homes and will be a private road. There is adequate water supply for the proposed building sites and all sites are feasible for on-site septic tank systems. The developer has submitted a geotechnical report noting the location of the fault line, and noted that earthquake ground shaking is the only geologic hazard posing a high relative risk to the site and additional review is recommended at the time structures are considered. A moderate risk may also exist from problem soils. Greg Hansen, from Hansen and Associates, also provided written comment on the conditions and findings of fact in the staff report.

**05:58:00**

**Watterson** arrived.

**Staff and Commission** discussed the canal crossing. At some point in the future the culvert pipe for the canal will be fixed by the county; hopefully sooner rather than later. There have been previous requests on this road and they have been denied due to the excessive level of improvement needed. The existing safety issues as 8600 South continues to the east are related to an average width of 17-18’, steep grades on either side of the roadway, and an open canal at the bottom of the short, downhill grade. Where there is only the one choke point, at the canal crossing, an exemption is possible for this application as the rest of 8600 South at that location is adequate. Staff redrafted finding of fact #5, it now reads as “A design exception is granted to allow the 18’ wide narrow bridge, as service provision and fire protection can be accommodated with a one lane bridge and fully improved roadway.” Staff and commission discussed condition of approval #5; it now reads “8600 South must be fully improved to the point of access.” The applicant must also provide signage stating the road is a private road.

**Ray Balls** my two brothers and I own the property and we have hired Hansen and Associates to do the engineering. We have tried to comply with all the requirements and I believe I have met those. I have talked with Chris regarding the bridge and the entry way issue came up. We’ve talked about widening the county road at the entry point and the reason for staying as far East as possible is because there is an extreme slope that we would like to avoid.

**Staff and Commission** discussed the number of lots allowed. The application is requesting three buildable lots. Four buildable lots are possible given the developable acreage, however, the developer has opted to pursue only 3 lots to reduce the possible roadway construction costs.

**John Miller** my biggest concern has to do with the layout of the subdivision. Will the actual subdivision be to the north? On the parcel, where will the subdivision be located?

**Runhaar** the subdivision is on the entire parcel and the home locations will be restricted due to the slopes.

**Staff and Commission** discussed the private road. The road needs to be as flat as possible due to the slope. The county road standard only requires there to be a 10’ distance from accesses leading on to the road and 8’ from the property line. The access currently meets those requirements. If the applicant would be willing to talk to the next property owner and join accesses that is fine but the county cannot require that.

***Olsen*** *motioned to recommend approval for the Paradise Horizon Subdivision to the County Council with the amended conditions and findings of fact;* ***Christensen*** *seconded;* ***Passed 7, 0.***

**06:13:00**

**#3 Discussion: Title 17 – Airstrip**

**Harrild** reviewed the proposed amendments to Title 17. There have been requests in the past for people to be able to land a plane in the Agricultural (A10) Zone. Currently the ordinance does not allow those types of runways to occur in the A10 Zone; they are defined as an airport. Staff has separated airstrips out from “Airport” and has developed a definition for airstrips. Staff has received public comment in support of these changes. The definition for airstrip will read:

AIRSTRIP: A private runway without airport facilities whose use is restricted to the existing property owner with the exception of aircraft emergencies. The following requirements also apply:

1. A copy of an airspace analysis issued by the Federal Aviation Administration for the proposed airstrip must be provided at the time of application, and any requirements or recommendations as specified within said analysis must be met.
2. The Planning Commission may limit the number of plans and the specific use of an airstrip (e.g. Flight training, intensity of use, and similar) based upon the standards and criteria of §17.06.050 Conditional Uses.
3. If there is a change in the approved land use and/or structures on property adjacent to or including approved airstrip that will likely impact the safety of persons or property on the ground due to said change, the following may be required:
   1. Additional airspace analysis by the Federal Aviation Administration, and;
   2. Review by the Planning Commission

**Staff and Commission** discussed the use of the airstrips by planes other than the property owners. Typically if it is being used consistently by other users than the owners it is no longer an airstrip, it is an airport. Staff is not expecting the commission to take any action on this item tonight. The thing to note is this is a conditional use and every application for an airstrip would come before the Planning Commission. Staff is not aware if there is a cost for the review by the FFA for an applicant but there is no cost to the county. There are currently 1 or 2 airstrips that the county is specifically aware of. There were complaints received of planes landing on a shared private road in Mendon, and there was a complaint of a plane landing in a residential area on a private airstrip outside of Paradise. In both of these instances the main concern was safety.

**06:27:00**

**Parker** left

**Staff and Commission** continued…The impetus for the ordinance changes is the proximity to homes and safety concerns. There are people who would like to see this change in the County. The County Council has not seen this proposed ordinance change but this is only a discussion item for this meeting. Most jurisdictions do not have an ordinance in place that addresses airstrips.

**Rachel Holyoak** I live in Mendon, where the problem happened. Originally our property was listed with an airstrip and that was requested to be removed. My husband does have a pilot’s license and we have a plane we hangar in Brigham. There is another pilot in our neighborhood that was landing on the private road and he was doing that because our airstrip was no longer useable. I didn’t know all this was happening. I would like the opportunity to have a private airstrip on my property and would be subject to this Commission, as a landowner I want to abide by the rules. As someone who is hoping this will be considered, I want to be a law abiding citizen and still hangar our plane at our house. Whoever approved the house let the hangar be put on the property and I feel like if we were able to have some method to come before and present my case it would be helpful.

**Sands** are you on farm land?

**Ms. Holyoak** we are, we have 20 acres and every lot in our subdivision has 20 acres. There is good distance between us and other properties. Both our neighbors on either side are amenable to this. We do have a neighbor with some concerns and we would address those. Our intent wouldn’t be to be a trouble or cause problems but to be able to use the property for some of the reasons we purchased it.

**Larson** you are in the county?

**Ms. Holyoak** yes.

**Olsen** how long was the landing strip that was there?

**Ms. Holyoak** I believe the landing strip was over 1,200 feet. It would easily accommodate a Cessna 182 and light sport planes that can be landed at 20 miles an hour.

**Olsen** was it a gravel landing strip?

**Ms. Holyoak** it was dirt and had a culvert over a creek, and we would need to work with the county on that.

**Bill Francis** I am in support of this and I’ve talked to both the FAA and the State Aeronautics about this and neither have concerns. The FAA actually owns all the airspace above us. More and more people are getting in to light sport airplanes and can land on a field. Any of these planes would do very little damage even if they did hit a house. I think we need to be opened minded about this. I probably have landed on more dirt working with the wildlife and fisheries service then most people. There are all kinds of ways around this but the bottom line is as private landownership we should be able to land our planes on our land.

**Sands** is there a fee associated with getting the approval with the FFA?

**Mr. Francis** the FAA will charge a fee to designate it as a landing strip. The thing to note is once it is designated at a landing strip it will be listed on sectional charts and that could invite more people to land.

**Sands** do you know what the fee is?

**Mr. Francis** I think it is $40.

**Gordon Wood** I am a local physician and for the first five years of my career I worked in Alaska. We would fly out to different areas for medical care and that is how we got to secluded areas and where I learned to fly. For the last 25 years I have lived here I’ve landed my super cub on my property and others who invited me. I’ve also been hired by environmentalists for taking photos and we have landed off runway for them to do studies. When I first moved here the population was smaller and I used to land my super cub all over the place but as the population has grown and there have been more houses that has changed because people are scared of that. I am not against having an airstrip but if you have an airplane like I have you don’t need a strip. You need 500 feet of smooth ground. I hate to see restrictions placed on this. This attracts people to our area. We have had the glider competition and part of the reason they come here is there are lots of open fields for them to land in if needed. Obviously they don’t like to land where they don’t have permission but if something happens the space is there. If this became too restrictive that would preclude that activity from meeting here which does bring income to the valley. I am in support of this but I don’t want it to be too restrictive. I try to be careful in terms of where I land but the law is that you have to be 500 feet off the ground where there is low population and 1,500 feet off the ground over a city. There are already laws governing how landing at airports is handled.

**Cindee Musselman** my husband is a pilot in the military. Unfortunately he is not here to speak on this due to being deployed but my husband mentioned that laws are already in place in how far you have to be from structures and the ground when you fly. As Ms. Holyoak said, pilot licenses are dependent on obeying the rules that are in place. I think that the two things that are of concern is first, safety. It feels like many people think airplanes are not safe. But in consideration of how many crashes there with cars compared to airplanes, it is very minute. Safety is a concern but as Mr. Wood stated the rules are in place for the safety of flying. The second thing that I hear is the control of the county to be able to say no on an airstrip or on 500 feet of grass. In our case, my husband built his plane which is a tiny airplane. You don’t even need an airstrip with this type of plane. I think the concern of the county of those being abused, such as landing a helicopter in a backyard; I can see how that would need to be addressed. But with the way this is written you would maintain that control and you could tell individuals no. As long as that pilot had been approved by the FFA and all of the other check marks you still keep the power to say no. It has been my experience that with us landing on our own field, we didn’t know that was against regulation and we stopped as soon as we knew that was the regulation. This regulation isn’t common in other counties. I think this is a novelty and its fun to watch your neighbor land in his backyard and would like to be able to see that happen.

**Lan Turner** I am one of the leadership of the Logan Aviation Association. I would like to confirm and agree with what has been said. Just to make one point, when I vote I always look for the candidate that believes in the least amount of government. I don’t like a lot of government oversight and I would hope you would agree with that vision. To have an airstrip approved by the FAA is fine but I don’t want that confused with people who occasionally land off airport and land in a field or in their field in a recreational format. Please don’t confuse those two things.

**Staff and Commissioners** discussed the difference between an airstrip and a landing area. The current ordinance defines airport and does not have an airstrip definition. Currently the definition of airport states that any where an aircraft consistently lands and takes off is an airport. If the county wants something for smaller operations than that then an airstrip is the way to address that. This suggested change to the ordinance is to help with an area that is a habitual landing area for planes not for the one time landing of a plane in a field. Several Commission members were fine keeping the ordinance the way it is because they feel it does not restrict where landings can occur in small planes currently. Staff is looking for clear, distinct language for enforceability issues with the public, and for there to be a clearly defined process when applications/complaints are received by staff. The county’s regulations can be simple because everything has to go through the FAA.

**07:14:00**

**Smith** leaves.

**Staff and Commissioners** continue…Staff does not want to regulate occasional landing. The reason for this suggested ordinance change is for areas that are being landed on several times and to also make sure that the correct permits/clearances are obtained. This ordinance is geared to specific airstrips that are contiguous to homes and designated roads. Staff will take the information gathered tonight and will do more research/changes for the next meeting for this item.

**07:24:00**

**Staff Reports**

**Runhaar** The County Council passed the kennel ordinance updates and denied Armor Storage. There has been a group discussing regional trail systems and the county is about 2/3’s of the way through funding a regional trail coordinator for the county who would also help municipalities. Cherry Peak was given a stop work order in December. The county tried to work with Cherry Peak for a month on the permit issues but the county was forced to issue a stop work order. They have since asked to convert the lodge into a hotel and their permit does not allow that. There are issues on the newly improved road that they will need to repair. They have not called for a building inspection since the beginning of the year. The county typically tries to work with people and try to be creative in making things work but sometimes that isn’t possible and that is where staff is at. Staff is working with Autonomous Solutions and is in negotiations with them and will hopefully be able to bring them back before the Commission in the future.

**#5 Discussion: General Plan**

**Runhaar** the current plan was drafted in 1996 and was adopted in 1998. The total length of the plan is 391 pages with a transportation element that was never officially adopted. I went through the current plan a while back to see what could be maintained and there is nothing really in it that is useable. Staff is looking at what needs to be in the plan, and the current intent is to make it a total of 37 pages. That would mean 3 pages for intro and assumptions; the land use plan would be 13 pages; 3 pages for infrastructure; 8 pages for environmental analysis; 4 pages for transportation; 4 pages for economic analysis of development patterns and cost; and 2 pages for summary goals and objectives. However with HB 323 of the Utah State Code, Title 17, requires that counties include resource management plans in the general plan “as a basis for communicating and cording with the federal government on land and resource management issues.” However, it isn’t necessarily feasible for the county to complete each of the 27 different sections that address all the items necessary for that resource management plan. Staff supports the Economic Analysis of Development Patterns & Costs as one of the main driving forces in the general plan. Staff has been working with Logan City and other cities on urban fringe development and making it all work for the county. However, there isn’t sufficient staff time available to complete all of the requirements of HB323 in a reasonable time frame. There is some grant funding available but major grant sources are gone. The economic model is going to cost at least $30-$40K and $60-$80K for the core plan. Funding for this isn’t necessarily going to be easy to find, but is needed.

**Adjourned**

**07:48:00**