



PLANNING COMMISSION MINUTES

13 AUGUST 2015

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1 **Present:** Stephanie Nelson, Chris Harrild, Josh Runhaar, Jason Watterson, Brady Christensen, Chris
2 Sands, Lane Parker, Leslie Larson, Phillip Olsen, Lee Edwards

3
4 **Start Time:** 05:30:00

5
6 **Sands** welcomed and gave opening remarks

7
8 **05:34:00**

9
10 **Agenda**

11
12 Adopted with the removal of item #4.

13
14 **Minutes**

15
16 Adopted with no changes.

17
18 **05:36:000**

19
20 Staff reviewed the responsibilities of the Planning Commission when considering conditional use permit
21 requests. As specified under section 17.06.050 the Planning Commission looks at health, safety, welfare,
22 compliance with ordinances and laws, adequate service provisions, impacts and mitigation in regards to
23 all conditional use permits.

24
25 **Regular Action Items**

26
27 **#1 Upper High Creek Conditional Use Permit (Alex Vaz)**

28
29 **Harrild** reviewed Mr. Alex Vaz's request for approval of a conditional use permit (CUP) to allow the
30 piping of the Upper High Creek Canal and includes the addition of two structures, located along Upper
31 High Creek Road north of Richmond, and State Street south of Richmond, (Agricultural (A10) Zone).
32 The Commission approved this last month but staff found an error in the noticing of a majority of
33 property owners. Therefore previous approval is void and the item has been brought back before the
34 Commission. Cache County may only consider the portions of the proposal that are located within the
35 unincorporated County, and does not have jurisdiction within the city of Richmond. This use qualifies as
36 a distribution/utility facility and requires a CUP. The pipeline will vary from 36 inches to a minimum of
37 15 inches and then it is open to the extent of the existing canal on the south end. All existing roadways
38 are adequate. Most of the work needing to be done would be in the shoulder and any road cuts would
39 have to go through the county road department and require additional permitting. A majority of questions
40 regarding the abandonment of the canal and potential storm water issues must be addressed between the
41 private property owners and the canal company. This includes the proposed abandoned portions of the
42 canal and what would happen to structures that have been built in natural drainages if the canal was ever
43 filled in. The county storm water inspector has reviewed and commented on these issues.

44
45 The County cannot grant the right of way to the canal company for those areas where no deeded right-of-
46 way exists. The canal company bears the responsibility of working on an agreement with affected
47 property owners to establish a right-of-way for the canal. Staff has received public comment. This
48 comment has been summarized and provided for the Commission along with the original comments.
49 Most of this comment is best addressed by the applicant. However, it is important to note as regards that
50 comment, that any questions or concerns regarding water rights, water flow, culinary water, irrigation,
51 etc. are beyond the jurisdiction of the county and should be directed to the State water board.

1
2 **Bret Christensen** I am a board member for the canal. What questions would you like me to address?
3

4 **Harrild** Brett has not seen this list because most of the questions came in today. Most of the questions
5 are specific to the canal itself.
6

7 **Mr. Christensen #1**, Is it possible to pipe the canal in its existing location? If no, why not? The reason
8 for using the County right-of-way is because the existing canal is steep and has lots of jogs. It would be
9 extremely costly to have it stay where it is and it is costly to maintain it there.

10 #2, Will the construction and proximity of the canal pipe to the existing culinary water line damage the
11 water line? What will be done to prevent this from happening? If it is damaged who is responsible to
12 fix/replace it? Obviously construction companies work around and in right-of-ways every day and water
13 lines. We will do everything to protect the line. That's not to say that there won't be some complications
14 but we will do everything in our power to prevent and protect that line. If it is damaged we will fix or
15 replace it.

16 #3, Is it possible to change the northern portion of the pipe alignment to the east side of the road and
17 therefore avoid the culinary water line and other structures and trees? Yes, we have met with the
18 contractor and it will be on the east side of the road until just past the Rawlins property to get back under
19 the existing culinary line.

20 #4, What will happen if the pipe breaks? Will escaped water damage adjacent dwellings? What will be
21 done to prevent this from happening? We are putting in an HDPE pipe that will be fused together and is
22 very strong. That's not to say that it can't be broke, but it's the strongest best pipe out there. If
23 something happens the pipe will be shut off as soon as possible and be repaired. With the escape water,
24 hopefully the borrow pits will be able to handle the water.

25 #5, Will there be an impact on the water in High Creek? If so, what? Where will all the water go? Will
26 this impact existing springs? There are springs above and below where we take the water out. This canal
27 leaks a lot and that is why we are doing it. There may be some affect on springs but we don't know
28 exactly what. There will always be water running down High Creek.

29 #6, How will construction of the pipeline impact typical and emergency access to and from dwellings?
30 The contractor will maintain at least one lane of traffic open during the construction of the pipeline and
31 will meet the county's requirements for the encroachment permit.

32 #7, How will safety be addressed in construction areas? We have talked about this with the contractor.
33 He will use barricades, tape, and typical construction barricade systems to protect.

34 #8, Will the pipeline route be surveyed? It will be surveyed and tied to the exact location once it is
35 completed.

36 #9, Where will materials that are excavated/removed be placed? They will be trucked off and construction
37 areas will be left in at least the same or better state than it is now.

38 #10, Will the fences that are removed be replaced with like kind? Yes, if not better fences.

39 #11, Will the existing vegetation that is removed be replaced with like kind? Will the vegetation along
40 the existing ditch bank die once the canal water is moved? Is the canal company responsible to replace
41 and maintain it if it does? Will the existing vegetation along the old canal route die and will the company
42 be responsible to replace the vegetation if it dies? Yes, the possibility of vegetation dying is very likely.
43 If you want us to replant weeds, then I'm certain we can figure that out. In the areas where the canal
44 route is abandoned, that land reverts back to the property owners and it will be their responsibility to take

1 care of/replace the vegetation if desired. The canal company is not responsible to replace the vegetation
2 that may die along the existing canal.

3 #12, Will moving the canal have an impact on wildlife? I don't know how to answer that. Yes, there will
4 be some affects. After the canal is done and moved there may be more habitat available but I don't see
5 this having a large impact on wildlife.

6 #13, More detail is needed for the placement of meters. We are only metering the main trunk line and I
7 can show the detail in the plans for those meters if wanted.

8
9 **Harrild** the last two comments are not really questions but concerns. Some feel there has been poor
10 communication and there was a concern that there wasn't a need to actually pipe the canal. However, the
11 Commission doesn't consider if there is a need but if the proposal meets the conditions explained earlier.

12
13 **Mr. Christensen** well, I can comment on the canal. The current canal leaks. The guy that tested the flow
14 of the canal says the canal loses more water than any other canal he has tested. The concern with that is
15 that the canal is above homes and we are lucky that we haven't had any thing like what happened in
16 Logan. The benefit is extremely good. We are going to save water, people will have more pressure, and
17 it will be a good, safe system instead of having an older canal that could do a lot more damage if washed
18 out.

19
20 **Watterson** have you looked at possible affects on recharge for wells and artesian flow in the rest of the
21 valley?

22
23 **Mr. Christensen** in the rest of the valley?

24
25 **Watterson** yes. If you are losing that much water through leakage, have you looked at the potential
26 effects on recharge to the deeper aquifers?

27
28 **Mr. Christensen** no.

29
30 **Ruhaar** when we looked at the canal that was piped through Logan that was brought up. Part of the
31 concern there, is that the leakage isn't attributed to those springs in the first place and becomes an issue of
32 the state water engineer.

33
34 **Olsen** did they say what percentage of water you were losing?

35
36 **Mr. Christensen** 40-50%.

37
38 **Olsen** I know that is something that we are dealing with in the south end of the valley.

39
40 *Watterson motioned to open the meeting for public comment with a three minute time limit per person;*
41 *Olsen seconded; Passed 6, 0.*

42
43 **Jerry Woodland** I live on Cherry Creek just below the canal. The springs and streams and Cherry Creek
44 will dry up or reduce the level and no longer be as viable a water source as in the past. It doesn't seem
45 like anyone knows how much it's going to be impacted. I would like to receive assurance that the water
46 rights that I have, and some of the water rights are old, and I'm not sure if these water rights dry up and
47 how the irrigation company is going to address that.

48
49 **Runhaar** we don't have authority over water rights. If one use impacts another's water rights you will
50 need to contact the state and they would investigate it and work it out.

1
2 **Syd Saddler** you said the water would be on the east side?
3
4 **Mr. Christensen** just down where the culinary line crosses again just north of Mike's barn and then will
5 cross back over.
6
7 **Syd Saddler** I don't understand why they can't use the old route? Some of the property owners, the
8 water changes now and instead of water coming behind the house the water is going in front. So now we
9 have to reroute and they are receiving a million dollar grant for that and we aren't going to receive any
10 money for the changes that we need to make. So why aren't they going down the existing route? The
11 third question is, prior to the work the canal company must provide evidence of the canal being
12 abandoned and that is above my home and the property owners will be responsible for those areas. When
13 does that responsibility take effect?
14
15 **Sands** Mr. Christensen, would you like to answer that last question?
16
17 **Mr. Christensen** I'm going to let our engineer talk to that.
18
19 **Eric Franson** the intent is to allow the property owners decide what would be best for them. We have
20 done these projects before and property owners have decided in the past to leave those stretches open to
21 catch water and in others to put mini dikes in to create small ponds. Others have filled in the areas to
22 have more property. I think the intent is to have the land owner decide what would be better for them. I
23 think that would occur when construction is complete and running is when that would be abandoned.
24
25 **Watterson** so your intent, aside from other input from the property owners, is to fill the abandoned areas
26 level it out with the existing area?
27
28 **Mr. Franson** with input from the local land owner.
29
30 **Watterson** that's the original plan and then if the land owner wants something different?
31
32 **Mr. Franson** the challenge is natural drainage. There are natural drainages that have closed and we rely
33 on those natural drainages as much as possible. If these canals have captured some of that then there may
34 be areas that they need it to function as temporary storm drain features. I think we have tried to address
35 this right from the beginning with the County and the City and then eventually with land owners to make
36 sure it is taken care of. The last thing we would like is for homes to be impacted.
37
38 **Steve Christensen** so right now where I live the canal is about 200 feet behind my house and the
39 proposed new canal would be about 170 feet in front of my house. I haven't been told how far from the
40 road they are going to dig or what trees I'm going to lose or how much it is going to cut in on my
41 property. My name is on the list of right of way issues.
42
43 **Harrild** it's the only property on the north end that there is not a deeded right of way.
44
45 **Steve Christensen** does that give me leverage of some sort? I have lots of fences and trees so I need to
46 know how this is going to impact my property. Where this won't be behind my house I need to know
47 how to deal with that and the natural drainage. They've stated this new pipe is supposed to be safe and I
48 hope so since this is 60 feet in front of my house.
49
50 **Steve Phipps** I live on High Creek and High Creek runs through my property. There seems to be an
51 answer for just about everything on how this is going to affect things except for the wildlife. I know the

1 wildlife use High Creek a lot and we don't know how this is going to affect them and there should be
2 more available.

3
4 **Mr. Franson** currently when there is water available the irrigation company diverts somewhere between
5 35 to 40 cfs into the canal and as we've talked most of that water is lost due to seepage and evaporation.
6 Under future conditions, the total pipeline capacity is 30 cfs and most of the time there will be less flow.
7 What that means to High Creek, historically when the irrigation has diverted up to 40 cfs, there will only
8 be 30 cfs now. There will be extra water left in High Creek and that will benefit that portion of High
9 Creek. Additionally, when we went in for the permit to generate electricity, the state engineer decided
10 that there had to be a mandatory bypass past the diversion, a minimal flow past the diversion. According
11 to the water rights and state engineer the irrigation company has to allow a certain amount of water past
12 the diversion. There will always be water left in High Creek according to the water rights that were
13 secured. There were two other comments prior?

14
15 **Sands** some in regards to the abandoned areas of the canal.

16
17 **Mr. Franson** we've talked about how we want to work with property owners there and I'm going to
18 allow Bret to talk about the right of way concerns that were brought up.

19
20 **Mr. Bret Christensen** we will try to keep as close to the asphalt as we can and the trench will probably
21 be about a six foot wide trench.

22
23 **Mr. Franson** the pipe is 36 inches with less than 12 inches need on each side, so approximately 5 feet.

24
25 **Mr. Bret Christensen** I think I told you Steve that the trees should be alright and that we might have to
26 trim the shrubs and flower bed. The pipe will have a minimum of 30 inches of cover. With the wildlife
27 we will be putting some water troughs along the existing line for people who have cattle or for wildlife so
28 there will still be water available all the way along. We take all the water out of the canal in the winter
29 but there are springs above the canal all the way along this system. So there are plenty of places for
30 wildlife to get water.

31
32 **Sands** it sounds like many of the concerns have to be with anxiety about working with the landowners
33 and it sounds like you are trying to do that.

34
35 **Dalan Christensen** I live above the canal. I'm interested in the drainage that is by my house and in the
36 spring time there is a lot of water there and the exit of the water under the road is really high and that pipe
37 is only 3 feet deep.

38
39 **Mr. Christensen** it's actually about 5 feet deep and we are going to go over the top of that culvert.

40
41 *Watterson motioned to close the public comment; Christensen seconded; Passed 6, 0.*

42
43 **Larson** for people who have their lines set up in the back and it is now going to be in the front, how does
44 it work to set up those lines?

45
46 **Mr. Franson** so the intent is to, in those areas where we are realigning, is to deliver the water to the
47 property line of the shareholder and at that point they would need to do what is needed for the water on
48 their property. In some cases that would maybe warrant an extended lateral to get to where we need to.
49 There are multiple locations along the line where the irrigation company is adding laterals to get the water
50 to where it is needed.

1 **Sands** is there pressure at that point?
2

3 **Mr. Franson** yes. So if you can imagine the level of the canal should always be above the pressure levels
4 of the pipeline. If there water got there in the first place, it should get there even in around about way
5 because of the pressure. Even if we have to push the water uphill there should be sufficient pressure due
6 to elevation change. Does that answer your question?
7

8 **Larson** yes, just one final clarification. So your job will be to get it to the property line and it is the
9 property owner's responsibility to run line to where they need it on their property?
10

11 **Mr. Franson** in most cases. There are few exceptions where the irrigation company due to geography or
12 location they run the line a little further to get to an ideal spot.
13

14 **Brady Christensen** just one comment regarding concerns about future damage if any arises; Richmond
15 Irrigation is on the blue stakes so if someone digs and doesn't call Blue Stakes they are personally
16 responsible for damage done because of that.
17

18 **Commission** members discussed the project and water conservation. In the Uinta Basin, the property
19 owners piped a six mile stretch and they worried about it impacting everything downhill from them and
20 they had big pastures that used to sub irrigate and don't. But in the end there was more infrastructure
21 needed to get water back to that ground but they were more productive. There are going to be impacts and
22 the company will have to deal with them. If a well suddenly goes dry down below, they were using water
23 that they didn't really own and it belonged to the Canal Company.
24

25 *Olsen motioned to approve the High Creek Canal Conditional Use Permit with the stated findings of fact*
26 *and conditions of approval; Parker seconded; Passed 6, 0.*
27

28 **06:34:00**
29

30 **#2 Amalga MX Park Conditional Use Permit (Shane T. Parker)** 31

32 **Nelson** reviewed Mr. Shane T. Parker's request for approval of a conditional use permit (CUP) to allow a
33 motocross park on 25 acres of property located at 6700 North 1900 West, Amalga (Agricultural (A10)
34 Zone). The proposed hours of operation will vary between 7:00 AM and 7:00 PM, seven days a week
35 with occasional races on the weekend being Friday-Sunday. Parking would be on site and would be
36 approximately 50-100 vehicles per day; this is the equivalent of 5 to 10 homes. Maintenance for the site
37 would be handled by Amalga MXP, LLC. Three volunteers are proposed for the running of the site and
38 maintaining it. Access is from 6800 North, which is a county road. However, there is no right-of-way or
39 easement for the private portion of roadway from 6800 North to the access gate. That portion to the
40 access gate is inadequate. There are different property owners for the private road and there will need to
41 be an agreement for access. Also 6800 North is not scheduled for winter maintenance but is graded by the
42 county during the spring. For storm water, it has been reviewed, a notice of intent would be required and
43 best practices would need to be used. There are several sensitive areas on the three parcels. There are
44 wetlands and the FEMA floodplain that is across this site. If additional development were to happen there
45 would need to be full wetland delineation. There are also steep slopes on the property within the CUP
46 boundary and also high liquefaction potential. There have been several comments from the public. Most
47 of the comments are in regards to vehicles and the speed limit on 6800 North, hours of operation, noise,
48 people camping on the property, and parking. This is a discussion item and not something staff is
49 expecting a decision on tonight.
50

1 **Staff** This is a recreational facility and there are substandard roads. There is no review by the fire district
2 because there are no habitable structures. The issue comes with this being a substandard road when there
3 is a potential for 50 to 100 car trips a day. Is this going to be a traffic and safety issue on narrow roads
4 with that many vehicles? The other big issue with this is the right of way for access and trying to get the
5 agreement in place. This is also an enforcement issue because the track was built before they came in for
6 the CUP. From staff's discussions with the owner, this was only meant to be a fun pastime with the
7 owner and his buddies but as time has gone on and word has gotten out, the use has increased. The stated
8 intent is to build this in the long run into a commercial venture and grow this as a business.
9

10 **Mr. Shane Parker** yes, 6800 North is a gravel county road. It is pretty sufficient. Saying there is 50
11 vehicles is a stretch, saying 100 is a long stretch. There are typically around 30 to 40 riders and not all are
12 bringing their own vehicles. There are usually multiple people per vehicle. Most are families, and there
13 are 4 people to a vehicle. This is not a commercial venture. It will never hold a race and it will never be
14 anything more than a practice track. That means we will be open from 9:00 AM to 3:00 PM, one to
15 possibly two weekends a month. I know noise is a concern for people around there and same for speed.
16 That is something I would happily have the Sheriff's department come monitor. As far as noise, we are
17 trying to control it as best we can with our hours. Our equipment does run before and after those hours.
18 As far as the motorcycles themselves, they do not run before 8:30 AM in the morning or past 3:30 PM in
19 the afternoon, and we will change those hours to 9-3. Yes, we are asking for forgiveness before
20 permission because we didn't anticipate this happening. The property is owned by a close friend and we
21 started training kids for motocross up there and a couple more kids came and we rode ourselves a couple
22 times and the word spread through social media. We are trying to play by the rules and not upset anyone.
23 We would have designated practices for different age groups and experience levels. We closely monitor
24 everything. As far as camping goes, we don't care if anyone stays out there. We gain no benefit from
25 that. We do have friends that travel from quite a ways to ride and they stay out there. The length of the
26 season is variable on the weather. We could be riding up to October or we could never stop. It depends
27 on the year and the type of winter. Long term, you would see less of us then what has been seen recently.
28 We would never do a race due to inadequate access and inadequate parking. It would cost too much to
29 get the place ready to hold a race. The no right-of-way and the road is owned by the same owner as the
30 other three parcels as far as I know. We are definitely not trying to ruffle anyone's feathers.
31

32 **Larson** where is the nearest house?
33

34 **Mr. Parker** the nearest house is across the river to the west, I think it's about 500 to 600 feet away.
35

36 **Sands** saying this isn't a commercial enterprise means you aren't collecting fees or anything like that?
37

38 **Mr. Parker** No we are collecting a fee. That's the only way to support this but as far as commercial
39 goes, I guess that would have to be defined.
40

41 **Runhaar** the closest home is more like 1,300 feet away.
42

43 **Watterson** motioned to open a public discussion for the Amalga MX Park; **Larson** seconded; **Passed 6, 0.**
44

45 **David Wood** I am the mayor in Amalga. The one question we asked is why Amalga is included in the
46 name?
47

48 **Runhaar** it's the name they chose. They can name it whatever they want.
49

1 **Mr. Wood** if you name something Amalga, it's considered to be part of or in Amalga. They should
2 change the name because this identifies our town with it. Our main waterline from Smithfield comes
3 through that area.
4

5 **Mr. Parker** The main waterline comes about 70 feet north of that main access gate. It crosses under the
6 road right there and goes down a berm on the property and is actually marked with T posts on the
7 property.
8

9 **Mr. Wood** have they been riding across it or over it or anything?
10

11 **Mr. Parker** We haven't disturbed the berm that is there for that reason.
12

13 **Mr. Wood** that is one thing that we are worried about. It's a concern to us that our waterline is there.
14 I've heard comments on the noise, people staying over at night. He said that's not going to happen but
15 that isn't to say it won't.
16

17 **Watterson** how deep is your water line?
18

19 **Mr. Wood** about 7 feet. That is a real concern to us because that's our source of water. If they put a
20 fence around it or something like that so there was no chance of getting close to that or running our town
21 out of water because we supply our town and Schreiber's. Maybe it will never happen but we need to
22 make sure.
23

24 **Arlow Hancock** I own 16 acres just north of here. I have two concerns on this project. One is access.
25 We've had developments out there and the developers were required to improve the road. This property
26 is absolutely inaccessible. You cannot get into it if there is any water on that road. My other concern is
27 that it is a huge public safety concern. Fire may have passed this up but EMS will be required to go out
28 there at some point and you will not get an ambulance out to this site. You are talking up to 50 to 70
29 people and that is a lot of bikes and noise. If there does become some type of an issue, it's too narrow.
30 You will not get people and emergency services out of there. It would create a bottle neck and then you
31 have people trapped with the only exit being on foot through the fields. We live in a beautiful valley with
32 thousands of acres of open area. Forest service and all over the place and I don't see a need to put this in
33 the middle of all these homes. It's zoned agricultural and I would like to see it remain agricultural. 100's
34 of dirt bikes do not belong in the Agricultural Zone.
35

36 **Runhaar** just a point of clarification, EMS did review this. That is part of the fire review.
37

38 **Mr. Hancock** really? Because I can't get out there in my car so I don't see how they can get an
39 ambulance out there.
40

41 **Runhaar** well you can call Jason Winn or Jay Downs.
42

43 **Marcus Flannsburg** I live in the same subdivision as Arlow so you might think I'm going to complain.
44 But I am in favor of this. I am a deputy sheriff, the same as Arlow but I don't represent them. However,
45 one of the calls I absolutely hate taking is about motorcycles. We get calls all the time of kids riding their
46 motorcycles all over the county. I believe Shane is trying to do things the right way. I met him earlier
47 this year when he was trying to water down the track before his irrigation water was turned on. He
48 thought he had permission to get water from a fire hydrant and when the officer came out to talk to him
49 he was very pleasant to deal with. I've been out there when the kids have been racing and they are all in
50 protective gear and parents are watching them. Kids have got to go somewhere to do this. I'm not crazy
51 about the 7 am start time so I like the 9 am start time. I personally hate motorcycles but I also recognize

1 Shane's right to recreate the way he wants to recreate. I think with reasonable restrictions this could
2 work.

3
4 **Darrel Noble** I live on the north end of the track and the noise level is absolutely too high. It goes on and
5 on and on. If you drive through Smithfield on the north end, there is a sign that states a noise level
6 restricted for trucks. I don't know if there is ever a ticket given to trucks for gearing down but within 30
7 seconds the truck is gone. But here the noise lasts for hours and it is intolerable. From 7:00 AM to 7:00
8 PM is absolutely unacceptable especially 7 days a week. This is growing and that means more people,
9 more bikes and more noise. This will affect 50 to 70 homes from my calculation. Also the water line is
10 there. Also, the church sits near this and you can hear the track in the church on Sundays. A race track
11 like this should be at least 5 miles away from the nearest homes because of the noise. The park is near
12 this and you can hear the track there. A lot of people in Amalga will be affected by this and it is not
13 acceptable to our community. There was a death at this track in 2012, Jeremy Hilyard was killed. This
14 park should be shut down by the County. If they want to race fine, go where they are not disturbing an
15 entire town. There needs to be some kind of assistance if this continues from the Sheriff's office to limit
16 this noise.

17
18 **Mark Cowley** my concern is with the location proximate to the Bear River. Being an agricultural
19 community, it's a concern to me as they fuel bikes on that soil and things like that. Are there any safe
20 guards that are going to be in place to prevent contamination of ground water and surface water there?
21 Also the facilities needed to maintain 70 bikes and the facilities needed for 70 people. I know there is one
22 port-a-potty out there but that is not enough for that many people. Sunday observance is an issue and it's
23 pretty loud out there for that.

24
25 **Grant Koford** I live about ¼ mile west, across the river from the track. I've handed out three codes from
26 the state of Utah that addresses nuisances. This is objectionable to the citizens of Amalga and in state
27 code it states that a nuisance is anything offensive to the senses, obstruction to the free use of property as
28 to interfere with the comfortable enjoyment of life or property. In the criminal code it defines a public
29 nuisance as an act that annoys, injures, endangers the comfort or safety of three or more people and you
30 can see tonight it's offensive to more than three people. In the motor vehicle code it states that no one can
31 operate an off high way vehicles with excessive motor noise. This is offensive and has a lot of noise.
32 This addresses several of those issues you addressed earlier, namely welfare, conformance with codes,
33 etc. Thank you for your time.

34
35 **Jeff Broadbent** I am a resident of Amalga and appreciate the opportunity to talk today. To try to mitigate
36 the impact on this community for this activity, I think is very difficult. At the beginning you talked about
37 the first priority in whether or not to issue a CUP has to do with the health, safety and welfare. You have
38 heard several comments on how this activity negatively affects the community in the safety and welfare.
39 This also impacts the neighborhoods property values. There is no question that having a motocross track
40 in the neighborhood will adversely impact our property values. This also impacts the tranquility that we
41 were looking for when moving to Amalga and that is a happiness issue and this will certainly have a very
42 negative effect on the neighborhood.

43
44 **Ann Mae Duncan** I own the strip of land that goes by to get down to there that you say they need a right-
45 of-way for. I expect that the road is on my property. This spring we have had trouble with them riding
46 their bikes through the hay field and our renter has had to put up a fence to keep them off that. He has to
47 take it down to get the tractor turned around and will put it up again when he is done harvesting. Your
48 records say there is no right of way but would it be our responsibility to give them a right of way there?

49
50 **Runhaar** likely so.

1 **Ms. Duncan** what if I say no?
2

3 **Runhaar** that is your right.
4

5 **Ms. Duncan** for years we have farmers and Lloyd use that road and have not had any problems but we
6 went out there this week and I don't see there is any way we can protect our property from damage.
7 When it's all said and done that property belongs to us and we take care of it to raise crops. The access
8 gate is right on the edge our property and needless to say I am neither here nor there on the motor park but
9 I guess to furnish a road for people to go out there day in and day out is not our responsibility. It is just a
10 trail and I appreciate that and I hope that we will be able to maintain our property out there.
11

12 **Scott Parkinson** my wife and I own property out there on 6824 north and 1600 west. I had to hear about
13 this from people living on the other side of the river. I think living within three blocks I should have
14 heard something about this. I am a motorcycle buff, so I am not against bikes but I am also a property
15 owner. I am a real estate appraiser and I have appraised a number of homes in that area and several
16 homes are worth a lot of money. They came there for peace and tranquility in that area. As far as starting
17 at 8 or 8:30 that is not true; we were laying in our room at 7-7:30 in the morning and I thought it was a
18 chainsaw that I heard going off. We have a well insulated home and we heard this and we continue to
19 hear it. These riders also ride their bikes and four wheelers on this road also. As far as the water line, it
20 does run through our property and we went to great lengths to make sure we didn't encroach on that.
21 That line isn't buried at 7 feet all the way along; some areas are at 4 feet. My issue now is the
22 determinant to my property. I support those who are here with me to protect their property values. I
23 appreciate recreation and this is an improper use for this area.
24

25 **Roxanne Freestone** I am one of the people who live furthest west of this property. I have a 16 year old
26 developmentally delayed daughter. The noise from the park drives her crazy. Her favorite thing to do is
27 go out in our yard and dig worms. When the bikes start up, she runs in the house crying. I can't shut my
28 windows because I have a un-air conditioned home. We can't keep the noise out of our home to a point
29 that she can tolerate it. We are bike riders too; we had bikes for years until my daughter can't take the
30 noise. There are those of us that do sleep later because they may not sleep at night for reasons. We do
31 have problems with the noise from this.
32

33 **Rick Fonesbeck** I own all the land there by that bike track. I own a dairy operation there too. These
34 guys have made my life miserable. My cows are miserable. When these bikes are going, my cows run
35 and don't settle down and I want these guys stopped. If it doesn't stop I'll file a lawsuit.
36

37 **Cindy Parkinson** could you please clarify for us what main roads do they have to use to get to that
38 access road?
39

40 **Mr. Parker** the 6800 North road?
41

42 **Ms. Parkinson** when you branch off to your little trail? Which main roads do you take? I mean you take
43 the road to Amalga, but then do you go off of 12th or 8th to the trail down there?
44

45 **Mr. Parker** correct.
46

47 **Ms. Parkinson** okay, so my main concern is those roads are not wide enough either for this amount of
48 traffic. I believe the roads need to be 22 feet wide and then the foot of shoulder. The roads are not
49 quality either. They were originally dirt roads that were then improved and they are not safe roads for this
50 type of traffic. It's not just the bikes; it's the trucks that they are taking in there. We have recreational
51 property and I like to four-wheel in the proper venues also. People who like this type of sport like

1 adrenaline and it's not just at the track that they like adrenaline. So I've had issues with safety on the
2 main roads and people driving too fast not just in the motor park but getting there. The roads are not
3 adequate for code and the people using those roads to get to the track are not driving safe there either.
4 You can say that's great and have a sheriff out there but they can't be there all the time.
5

6 **Kenneth Alsop** we recently purchased some property directly across the river bottoms from this track.
7 The main concern is noise but I'm also concerned about the ability to really mitigate that impact and take
8 that away. Obviously there are a lot of types of bikes but I think it's a policing problem to think that that
9 impact can be fully mitigated. Typically when we look at these problems we consider where somebody
10 else's right to the quiet use of their property is being impacted then that is when a nuisance situation and a
11 conflict between property rights occur. It's very clear that this activity out here is impacting other
12 people's abilities to enjoy their property and businesses out there. So my question is can this really be
13 mitigated for this to be a feasible activity in this spot? It seems like that is going to be quite difficult.
14

15 **Guy Perkins** I've lived out here 22 years and it took some adjusting to sleep out there because it was so
16 quiet out there. With this, we can hear it coming. I can hear the cars coming around the corner from
17 Smithfield and they are driving faster than the 30 miles per hour. I don't want the road touched or fixed,
18 it is a narrow road. But it should be signed appropriately. I'm not against motorcycles and these guys
19 need somewhere to play. So maybe they need to get together and find somewhere they can play but this
20 is not the area. I think there is a win here for everybody if we can work on it. I would like some more
21 signs out there.
22

23 **Runhaar** I'll give you a name and a number to call.
24

25 **Amber Joyner** I hate the noise, I hate the traffic and now I don't have the peace and quiet that I want
26 when I go out there. I didn't move out there for the noise. I moved out there for the quiet. Like she said
27 earlier, just yesterday we were almost hit by a red truck with two bikes in the back so I'm sure that's
28 where they were headed. Please don't put it there.
29

30 *Watterson motioned to close the public comment; Larsen seconded; Passed 6, 0.*
31

32 **Staff and Commission** discussed the Amalga MX Park. There are a number of concerns regarding the
33 noise, access, etc. It seems to be disturbing a lot of people in this area and you could close the access but
34 then the park goes away. Some Commission members expressed a desire to see the site in person to get a
35 better feel for the area and a better idea of location of things around the track. There are concerns with
36 encroaching on property owners' enjoyment of their property for both sides. This is a bigger impact than
37 an average person riding with a couple of kids on their own property but balancing that with other
38 property owners could be a problem. This could be a hard proposal to mitigate because of the use,
39 especially with the noise issues. Access can be controlled, along with the waterline concerns but noise is
40 a harder thing to control. There definitely needs to be somewhere people can ride their bikes in the valley
41 but this might not be the area for this. There are concerns with sanitation for this project. This project
42 triggered the CUP process because more people than Mr. Parker's family are using this track. Because
43 general public are coming into the track it triggers the CUP process.
44

45 *Larson motioned to continue the Amalga MX Park for up to 90 days; Watterson seconded; Passed 6, 0.*
46
47

1 **07:06:00**

2
3 **#3 Smithfield Disc Golf Conditional Use Permit**

4
5 **Nelson** reviewed Mr. Brett Daniels's request for approval of a conditional use permit (CUP) to allow a
6 18-hole disc golf course on 72.54 acres of property located at 1575 Canyon Road, Smithfield
7 (Agricultural (A10) Zone). Hours of operation would be dawn to dusk, seven days a week. Parking
8 would be on the property and would allow 10 to 20 vehicles. The site plan shows the location of parking.
9 There is a bridge that is very narrow and will not fit two vehicles across it at the same time and the weight
10 limit for the bridge is unknown. There are no proposed employees and the course would be ungroomed.
11 A Smithfield City employee will visit occasionally to cut down over grown grass as part of the city's fire
12 control. There would be a small welcome sign at the access point and there will be no cost at the site.
13 Occasional tournaments are proposed to be held on-site and a small fee would be collected for those for
14 provision of prizes. As for access, the road is very windy and the sight distance is very limited. One
15 section narrows to 16.5 feet and the other section narrows to 18 feet. No future construction or buildings
16 are proposed for the land but if future development were to occur it would need to go through additional
17 storm water review. Staff talked with the County fairgrounds where a similar disc golf course is located.
18 The site averages 20 to 200 trips per day depending on if it's a normal day or a tournament day. For
19 emergency access the Smithfield County Road is inadequate. Staff has received public comment
20 regarding the bridge, storm water, mitigation, animals and population, parking, sanitation, and grass
21 maintenance.

22
23 **Christensen** did the Seiders provide comments or just pictures?

24
25 **Harrild** there was minimal comment provided with the pictures.

26
27 **Staff and Commission** discussed the road and maintenance issues. The number of trips on a road per
28 day determines the requirements the road needs to meet. This road to the disc golf site is inadequate.
29 There are concerns with the bridge and the culvert. Smithfield Canyon road is maintained by the County.
30 The other concern is that the road is typically used for recreation for biking and running. The estimate on
31 the usage is from staff's contact with the fairgrounds and the use their disc golf course sees.

32
33 **Brett Daniels** we were approached with this idea by a disc golf group for use to put a course in, in
34 Smithfield. We are always looking for opportunities to expand recreation in areas. The disc golf group
35 has approached us about doing a park at Forrester Acres and we felt that was too busy and they've
36 approached us about Mack Park and we felt that wasn't big enough. When we approached the city
37 council, they entertained looking at it further so they approached me to look at it and we felt this would be
38 a doable area. The City Council could not put the proposal together so I said I would do it and support
39 this. I would like to have this discussion and we had a discussion last night at city council and we heard
40 some concerns. We are trying to keep our citizens happy and would love to see additional recreation
41 options and would like to keep everyone happy. We use Smithfield Canyon a lot for a lot of things. We
42 do use this and this was a good group that came to us, and so we wanted to put this together. The city has
43 some concerns too but felt that it warranted looking into more. There are some concerns with parking and
44 as far as the city is, we are not going to put a lot of money into the project. We have donations lined up to
45 help put this in. We understand the citizens have some concerns but wanted to have a discussion and see
46 if this was feasible.

47
48 **Christensen** my question is, have you discussed if this goes through is the city doing anything to mark
49 their boundaries so the people using this aren't going into other properties?

1 **Mr. Daniels** yes, we have discussed that. We have some ideas about possibly putting in a tree line or
2 putting the holes further north to negate that issue and that is something we would look into more if this
3 goes forward.
4

5 **Debra Seiter** I am the house on the south. I appreciate Brett and the concession of the parking lot not
6 being by my vinyl fence. If this park goes in it is going to affect the value of my home. But it's not just
7 my home but the general well being of that area. When the golf course planners came to Smithfield
8 Council they promised that the landscape would not be altered in any way. But then they gave the plan
9 and it said wanted to put in parking and that they would remove the vegetation to put gravel parking lots
10 in that would accommodate 10 to 20 cars each. The road to connect the two parking lots is ¼ mile long.
11 The Smithfield city water people come and check the water source once a month. And just once a month
12 we see a trail on that land. Can you imagine what all those cars are going to do to that land, especially if
13 the tournaments are successful? It's going to leave a horrible impact on that land. The golf tees are going
14 to be 5 foot by 10 foot cement squares. The picture that was taken is near the creek. Vegetation is going
15 to have to be cleared to allow that 5 foot by 10 foot cement to be put there. But not only the vegetation,
16 there are other concerns. Such as sewage, is this going to taint Smithfield's water supply? Smithfield's
17 water bank is up there, and what are all the cars driving over that going to do? What about port-a-potties
18 and how are those going to be handled? Is the bridge up there to code? When we built up there we had to
19 have our bridge okayed by the fire department. Who is going to pick up the trash up there? I know this is
20 donor driven, but what happens when that money runs out and people keep coming? What is the upkeep
21 and who is going to take care of the park up there? The other concern is this is dusk to dawn and who is
22 going to enforce that? There are already people who hang out up there after dark and that makes me feel
23 very vulnerable up there.
24

25 **Commission members** discussed extending the meeting.
26

27 *Larson motioned to extend the meeting to 8:15; Watterson seconded; Passed 6, 0.*
28

29 **Sonia Manuel-Dupont** you have written communication from me which is the memo with 17 points. I
30 live right across from this proposed park. The first thing I would like to say is that anyone who is in the
31 construction business knows you need more money than the initial construction costs. This plan has no
32 upkeep built in. I suppose they think that this means those of us who live up the canyon will keep up the
33 trash and with the sanitation. The other thing is that we can hear everything that is said in the canyon. I
34 understand people want to do this in a tranquil area but this is not a tranquil sport. This is going to be
35 high school kids who want to go on a cheap date. One problem we currently have is underage drinking
36 and there are alcoholic beverage containers everywhere. This is right across from where we live and this
37 is going to be an unsupervised area. My husband and I both do a lot of humanitarian work and quite a lot
38 it's just one of us home. I don't feel comfortable being in the house by myself when I know this type of
39 thing is going on. The other things are engineering related. There is no way this is up to code. This is
40 the water supply for Smithfield City. I don't see how this can meet the clean water protection act and the
41 protection of the water supply. People don't have access to that, but they will have free access to it with
42 this. There is a very flimsy fence around there which is very easy to scale. With this kids will have
43 access to the entire water supply for Smithfield. The placement of the parking lots, no matter what they
44 are made off, will compact and we will be dealing with runoff issues. The impact on ground water could
45 be an issue. No environmental impact study has been done. If you mow the grass and don't water it you
46 will have dirt. We already have strong winds up there and it will kick up the dust. I don't know how this
47 passed a fire review because if you have a fire up there you will have 20 cars trying to get across that
48 bridge and it will be a problem.
49

50 **Barbara Abbott** I live in Smithfield Canyon. I am one of those people that bike and walk my dogs and I
51 see many families walking with children and there are signs up about the speed limit. It's 25 miles per

1 hour up there and hardly anyone slows down up there for that. I'm concerned with that for all the walkers
2 and bikers that use that area.

3
4 **John Abbott** we live on the cul-de-sac that you get to just before this property. That roadway is there for
5 vehicles but we attract a large number of people who come to walk and jog that road. It is not a healthy
6 situation to put this number of vehicles on that road way.

7
8 **Sylvia Cronquist** we live right across from the entrance to this. They've covered sanitation and there is
9 not someone now but is there going to be someone that unlocks the gate at dawn and locks it back up at
10 dusk? We don't want people to be there every night all night. This is going to be a party spot if that
11 control isn't there. Is this going to be patrolled so people can't stay there over night and also to help make
12 sure there isn't target shooting there? Also we have concerns with the parking lot.

13
14 **Larson** I have a question regarding access, is there a gate there now?

15
16 **Ms. Cronquist** there is a gate there now. Smithfield City has a pull across gate with a lock now. It's
17 kept locked at all times now. If they are going to keep it locked at night then that is one thing but if they
18 aren't going to do that people will be there all night. We also have concerns regarding fire.

19
20 **Kathleen Caples** I live along Smithfield Canyon Road. They have talked about the question of port-a-
21 potties. If you go further up Smithfield Canyon to the Campground there are permanent toilet facilities up
22 that road. When you walk up that road there are a lot of people who urinate up the road, there is a lot of
23 trash and Kleenexes and things up there. This is where Smithfield's water supply is and that concerns us
24 if there isn't going to be management of those things up there.

25
26 **Terence Yorks** I'm concerned about noise. Smithfield Canyon is reflective service and the sound of
27 ATVs and trucks up that canyon is very loud. I've measured it and it is above 96 decibels in that canyon
28 and this will attract those people. I would suggest there be no parking area for this unless it is with the
29 permission of property owners. It's only 1 ½ miles up there. Have the facility but don't drive there. I
30 think this is an interesting thought as a compromise. The traffic up that canyon has exploded the past few
31 years and it's phenomenal how much.

32
33 **Terry Cronquist** our drive way is right across from this. We've been up there since 1954 and I've seen
34 that mountain burn very quickly twice. There isn't enough room up there for this. Saturday morning I sat
35 on my deck and counted 40 joggers at least 30 bicyclers and half a dozen razors. There are also turkeys,
36 deer, and pheasants.

37
38 **Sonya Andersen** if you have ever driven up that canyon, you see the bicyclers and the joggers and they
39 want you to pass them because they are in the middle of the road. But you can't pass them if someone
40 else is coming from the opposite way. With more traffic someone is going to get hurt.

41
42 *Olsen motioned to close public comment; Larson seconded; Passed 6, 0.*

43
44 **Staff and Commissioners** discussed the disc golf course. The Commission discussed continuing the
45 item so that the applicant and staff could discuss the concerns that were brought up by the public. Access
46 is a major concern.

47
48 *Larson motioned to continue to Smithfield Disc Golf Course CUP up to 90 days; Watterson seconded;*
49 *Passed 6, 0.*

1 **Staff Updates**

2
3 **Runhaar** the Little Bear Field Subdivision went before the Council and was denied. This is the 1-lot
4 subdivision to the north of Wellsville, staff did an analysis to maintain that road and services for a two-
5 way road access. The cost for the county would snowball. Currently there is an annual grading on the
6 road and that is it. To add the needed services to maintain that road for a dwelling would snowball the
7 cost for the county. Currently for that area the yearly tax is \$2,317, and of that \$419 is for the county. Of
8 that \$419 the road department gets \$26. To maintain a gravel road to a suitable level for a single family
9 home would cost \$1,300-\$1,800/per year. The county cannot maintain that. Currently we are looking at
10 what roads we can take off the county maintenance list and let them revert back to gravel roads. The
11 county can't meet the current maintenance for our roads with our current budget. Council did deny the
12 subdivision and has asked staff to come back with a draft policy that the county is not going to expand
13 services on roads that don't currently have services.

14
15 **Staff and Commission** discussed the road situation in the County. The county is allowing several roads
16 to revert back to gravel roads instead of paved roads. Staff is working on road maintenance, road
17 standards and other policy pieces for the commission and council.

18
19 **Adjourned**