



**PLANNING COMMISSION MINUTES**

**06 October 2016**

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**Present:** Jacob Adams, Chris Harrild, Josh Runhaar, Megan Izatt, Phillip Olsen, Brady Christensen, Chris Sands, Nolan Gunnell, Jon White, Lee Edwards

**Start Time: 05:36:00**

**Sands** welcomed and **Gunnell** gave opening remarks

**05:37:00**

### **Agenda**

Agenda item #2 Munk Brothers Subdivision moved from the consent agenda to the regular agenda as there were interested parties that wanted to comment.

### **Minutes**

***Gunnell** motioned to approve the minutes from September 1<sup>st</sup>, 2016; **Christensen** seconded; **Passed 4, 0.***

**05:38:00**

### **Consent Items**

#### **#1 MJ Enterprises Subdivision 1<sup>st</sup> Amendment**

**Adams** reviewed a request for a recommendation of approval to the County Council for a subdivision amendment to create two additional lots and an agricultural remainder on 79.50 acres of property at 314 North 7200 West, Petersboro, in the Agricultural (A10) Zone.

#### **#2 Agriculture Protection Areas: Nelda Bair and Robert Bair**

**Adams** reviewed a request for a recommendation to the County Council for an Agricultural Protect Area in two distinct areas: five parcels totaling 169.1 acres at approximately 9000 North 800 West, southwest of Richmond, and seven parcels totaling 52.74 acres at approximately 300 East 9300 North, southwest of Richmond.

**05:39:00**

***Olsen** motioned to recommend approval of the consent agenda, including MJ Enterprises Subdivision 1<sup>st</sup> Amendment and Agriculture Protection Areas, to the County Council with the noted findings of fact, conditions, and conclusions; **Christensen** seconded; **Passed 4, 0.***

05:43:00

### Regular Action Items

#### #3 Munk Brothers Subdivision

**Adams** reviewed a request for a recommendation of approval to the County Council for a three-lot subdivision with an agricultural remainder on 54.77 acres of property at 5650 North 2000 West, Benson, in the Agricultural (A10) Zone.

**Louise Latham** I live off of 1700 west and I haven't seen a map so I have no idea where traffic will be routed. Off of 1700 west the traffic can be scary at times. So I just wanted that clarification.

**Adams** if you look at the map, the new lots are on the left hand corner of the map coming off of 2000 west. 1700 west is only an agriculture access for the agricultural remainder parcel.

***Gunnell** motioned to recommend approval of the Munk Brother's Subdivision to the County Council with the findings of fact, conditions, and conclusions; **Christensen** seconded; **Passed 4, 0.***

#### #4 Hawk's Ridge Subdivision

**Adams** reviewed a request for a recommendation of approval to the County Council for an eleven-lot subdivision on 87.38 acres of property at approximately 6750 West 2000 North, Petersboro, in the Agricultural (A10) Zone. This was first looked at by the Commission in August 2016. The main issue for the subdivision is the road. The road manual requires a paved surface of 22 feet with 2 foot shoulders and there were some questions over private vs. public also. The applicant has done a review of the road and test bore pits have been dug. The manual requires a depth of 2 ½ inches of asphalt, 6 inches of road base, and 14 inches of pit run. The road base is pretty substantial and the width is adequate as well as the structure of the road. The applicant is still working on a solid plan for future maintenance. Condition #6 specifically deals with future maintenance.

**Staff and Commission** discussed the road. Even though this is a private road, the Manual of Roadway Design and Construction still applies. The main problem with private roads is maintenance. This becomes a safety and service provision problem when the roads are not maintained. Concerns regarding water were raised but the Commission can do nothing about water because it has no authority there.

**Dave Griffin** I don't have any questions.

***Christensen** motioned to recommend approval of the Hawk's Ridge Subdivision to the County Council with the findings of fact, conditions, and conclusions; **Gunnell** seconded; **Passed 4, 0.***

05:51:00

## **#5 Meridian Acres Subdivision**

**Adams** reviewed a request for a recommendation of approval to the County Council for a three-lot subdivision with an agricultural remainder on 35.43 acres of property at approximately 6100 South 2400 West, southwest of Hyrum, in the Agricultural (A10) Zone. This was first looked at by the Commission in August 2016. There are road issues for the subdivision. The road was previously approved with 26 foot width; 24 feet of pavement and 2 feet of shoulder. The road is deteriorating and no longer meets the standards. There is about 18 feet width of pavement. This does cross the Wellsville/Mendon Canal and that section was improved as part of the first subdivision. The width of the canal crossing is 28 feet. Except for the road the rest of the subdivision meets the requirements. There were some questions regarding moderate slopes but after staff talked to the surveyor there would be no need for a geotechnical study for those slopes as they are in the Agricultural Remainder parcel. The road is a private road and conditions regarding future maintenance have been included.

**Staff and Commission** discussed the cost of the improvements and how that cost is spread out for the existing subdivisions and the applicant's subdivision. No building permits will be issued until the road is improved to current standards. Some concerns regarding the width measurements were presented by the Commission to staff. One Commission member went out and looked at the road and his measurements were 20 feet of paved surface. Staff would like to see the applicant do a core sample to help substantiate that the road is up to standard. Staff and the Planning Commission cannot modify the old conditions for the road; only the County Council can change those conditions. Currently the road does not meet the conditions set forth previously so it is going to require that it be improved to that condition. The entire parcel is currently listed as an Agricultural Protection Area (APA) and adding a subdivision does not change that status as it is an allowed use in an APA.

**Kurt Lindley** I do have a couple concerns. One is the core sample, we have been waiting on the county road department to come mark where they want that and we have been waiting for 30 days for that. I've had Jeff Nielson and he has talked with them and they haven't come out and done it. I would dispute the width of the road. The road was approved in 2010 and it was 22 feet wide and I don't believe it has shrunk 4 feet. As far as the HOA, I can't tie into the HOA on the north side until I have a subdivision. I have also discussed it with the HOA to the South and there are no issues going in with their HOA as far as the road. There were concerns about the garbage trucks and I called Logan City and they said they go on private roads all over the county to pick up garbage. He did say if there was a big snow storm during the winter and they can't get on the road, they will give them a couple of days before they went to pick up the garbage. Also they require the HOA's to sign a waiver stating that if the garbage truck goes off the road, the HOA is responsible for footing the towing bill and any repairs of the garbage truck, if needed. Logan City also said they do not want 22 garbage cans down Meridian road/2400 west. They would rather drive up the private road than do pick up on 2400 west. There were also some concerns on the north end of the property where the turnaround is because the one turnaround is sloped. So that would be the only concern in the winter for the very end lot of the approved subdivision. He said in that case, all the garbage will need to be brought to the top end of the hill on the south (6100 South). My biggest concern is the dispute over the width of the road.

**White** the dispute isn't over the width but if the road has been maintained.

**Mr. Lindley** no, Jon, every time I've talked to them it is the width of the road.

**White** if you maintain it and make it 22 feet wide and there is chip and seal then there isn't a problem. But there has to be 22 feet of chip and seal before a building permit.

**Mr. Lindley** I agree but there is 22 feet.

**White** then if it is 22 feet and you chip and seal it again to 22 feet then problem will be solved.

**Mr. Lindley** I'm only concerned with them telling us the road is 18 feet wide. As far as chipping and sealing the road up to my subdivision, I'll do it if I have to. But the problem is I have been trying for 60 days to get them to tell me what to do with the road and they tell me we don't know. I finally had a meeting with them and they told me I had to do a core sample and we've been waiting on them for that. But this shuts me off until next June because you can't chip and seal until then.

**White** they said there is an alternative; you can get a bond for that.

**Mr. Lindley** will they issue building permits?

**Harrild** no, that's not quite how it works.

**Mr. Lindley** but you can't build on it until next June. I applied for this in July and it will a full year before you can do anything because for 60 days they couldn't decide what they wanted done with the road. Is that fair for the subdivision to wait 11 months? I could have chipped and seal in August or September. I was on the agenda for September but they couldn't decide what they wanted to do with the road so they took me off. So now I have to wait until June for chip and seal and they won't issue any building permits, even on the subdivision that has been approved.

**Runhaar** if the commission would like a complete record of the communication back and forth staff can provide that; otherwise we request we deal with the subdivision at hand and not deal with hearsay on timing. There is nothing that can be done about that here and he can file a grievance if he would like and we can provide the record.

**Mr. Lindley** the only question that I have is that my hands are now tied until next June before I can record this and build. Even if I put a bond up, I still can't build until next June.

**Christensen** why are we hesitant on a bond?

**Runhaar** there is no hesitation on the bond but to issue a permit they have to meet the standards. Recordation of a subdivision plat can be done but once there are habitable structures out there we have to provide fire and EMS and they have to meet the requirements of those road conditions. We can talk about timing, typically we see a subdivision come in, in June and July and if they need any road work on them, to get them to develop homes in that same year isn't typically feasible. In order to get things built, the subdivision process has to start at the beginning of the year. That's a simple process of timing. If the road was a 100 percent with no concerns, they can

fly through the subdivision and they can be building within two to three months but that is not the case with this application.

**Steve Wright** I own the subdivision to the north. This is a public meeting, it would be helpful if you would speak into the mike; you can only hear Brady. Josh is standing up there and nobody can hear you.

**Runhaar** I'm sorry, I herniated a disc and will not be sitting any more today.

**Mr. Wright** then you should excuse yourself. Here's my concern, I built that road and there have been statements here that have been made that are untrue. The road was built and completed and signed off by the Cache County road supervisor. In my mind its fine for all the lots up there, all 8. Everybody signed off on the road and said it was great. The road supervisor came out and said it was better than most roads and that was in 2010. There has only been one home built here and one being built; that's the only traffic that has been on the road. I don't know who measured, but we went and it is 22 feet wide with cheap and seal. Phil measured it today and that is true.

**Olsen** it's true.

**Mr. Wright** so statements have been made that are incorrect. They are getting into the maintenance of the road. That is a private road that I built with considerable expense. I think it's up to the HOA and the landowners to maintain the private road so that emergency vehicles and utilities can pass through the road. Phil looked at the road today; can I get in there?

**Olsen** yeah.

**Mr. Wright** it's a good road. Is there significant deterioration on it?

**Olsen** not that I could see.

**Mr. Wright** how did you come up with significant deterioration so that Kurt has to double chip seal the road again? Furthermore, these folks have denied a building permit to a customer of mine that I sold a lot to. That's not the purpose of this meeting but this subdivision was approved in 2010 and now they are going on private property and saying that road has been maintained improperly, which isn't true. Now they are demanding that I will have to participate with Kurt to do whatever they decide needs to be done on a private road this is out of control. These demands are unrealistic to core sample and double chip and seal that road is crazy. These determinations that have been made here are incorrect.

**Staff** reminded the commission that this was continued up to 90 days, and it has been 60 days.

**Staff and Commission** discussed the concerns with the roads. The information provided regarding garbage pickup was provided by the Logan Environmental department. The person the applicant spoke with does not provide the recommendations or direction to the county and does not do the road reviews. Any clarifications can be discussed with Logan Environmental. The issues regarding road width can definitely be handled by sitting down with the applicant and

discussing and reviewing it. The road standards currently indicate if there are questions on a road, core samples are required. If the core samples come back as adequate, then the road can be used as is. But if the core samples come back that there is not chip and seal material left then there is a problem. As identified earlier, if the County Council has made a requirement, neither staff nor the Commission can subvert or changes those requirements. Staff and the Commission do not have that authority; that would have to go back to the County Council for the original requirement to be changed. Prior to that there is nothing staff can do; the applicant needs to meet the original conditions. There rest is being given a design exception; once it is shown that the road does or does not meet the conditions the road can be accepted or modified as needed. Typically the staff uses JUB Engineers to review that information.

**Mr. Wright** and who do we meet with to review the road?

**Harrild** for the width of the road that would be me and our public works inspector. We will both look at it and meet with you.

**Brad Pitcher** I purchased the lot from Steve Wright and I am the individual whose building permit has been denied. I can't proceed until the road is taken care of. The concern about the condition of the road is for emergency access, so I read my zoning clearance page by page and there is documentation in there that emergency services does not have concerns with this road. I do not understand what the concern is here.

**Runhaar** it's all services; so the red flag was for trash.

**Mr. Pitcher** it was for trash?

**Runhaar** yes, so when that happens we have to review the road.

**Mr. Pitcher** but where my lot is on this, trash shouldn't be a concern. I'm just confused what the standard is; I want a quality road there too but I don't know how staff is determining what is a substandard road and what is not.

**Mr. Lindley** since Josh is over the road department, when can we do a core sample?

**Runhaar** I texted my foreman and he said he hasn't had anybody contact him. As soon as that is done, we are happy to do it.

**Mr. Lindley** all I'm going on is what my engineer has told me.

**Runhaar** I also texted Jeff and haven't heard back. We can do it tomorrow if the public works inspector can go out.

**Staff and Commission** continued to discuss the road. If the core samples are done and there are no problems the chip and seal should be able to be done next spring. A design exception can be added to make it so building can be done on a substandard road but that would have to run through the County Council for their approval because it is a change to the original conditions that they approved. Staff and Commission discussed language changes to Condition #5.

**Sands** I think that responds to some of the issues raised.

**Olsen** one more question for the applicant, you have no problem with having a specific plan recorded for maintenance of the road now?

**Mr. Lindley** that's fine.

***Olsen** motioned to recommend approval of the Meridian Acres Subdivision to the County Council with the findings of fact, conditions, and three conclusions; **Gunnell** seconded; **Passed 4, 0.***

**06:34:00**

### **#6 Little Bear Field Subdivision**

**Harrild** reviewed a request for a recommendation of approval to the County Council for a one-lot subdivision with an agricultural remainder on 6.00 acres of property at 4341 South 3600 West, northeast of Wellsville, in the Agricultural (A10) Zone. This project was previously denied by the County Council and this is a new application. Previously there were issues with county maintenance. The current staff report is built for approval so the County Council, if they desire, would be able to extend service for this subdivision. For a single family home in this location a gravel road is all that is required; 20 feet of gravel with 2 feet of shoulders for a total width of 24 feet. The current road averages around 14 feet; typically when roads are reviewed completed the inspector looks for narrow points and identifies those. This is an average width for the road. There are telephone poles to the west and irrigation canals on the east and west sides; road improvements will be required. Either the telephone poles are going to need to be removed or the irrigation canals moved and re-established. There is not adequate maintenance for a single family home; the Council will have to extend maintenance. There are no other significant concerns; there is flood plain on the west side of the property. And areas of liquefaction within the boundaries of Lot #1 and will therefore require a geotechnical report be completed. There is an Agricultural Protection Area next to this and that will need to be noted on the plat. The main issue is tied to the road and access and the extension of maintenance for the road. The road improvements may require them to acquire additional property and right of way for the road because the existing right of way is only ~33 feet wide.

**Joe Chambers** in talking with Mr. Archibald, he indicated he was not sent a copy of the staff report. It was supposed to have to been sent out by email. Our main concern is, as we look into this and took the county and asked them to sit down with Ombudsman's office about this, the maintenance on that road is actually done all the way down 4300 south. It is a low priority road they indicate if there is a snow removal, they clear it all the way down to the first house to the east, and then when they find time they push the snow all the way down 4300 to clear the fields for the farmers that have cows down that. I don't know where staff gets that information from. As for the liquefaction, I was told it was waived on the first go around with this so we aren't sure where that is coming from. This just seems to be condition after condition to be met. There is some frustration on it. I haven't seen the staff report so I don't know how to address the conditions.



**Harrild** the first thing we should identify, the previous application that came through was for denial so conditions would not have been prepared. It just isn't part of that process. So when it comes through and is prepared for approval, then those conditions are provided. That's why they wouldn't have had the discussion about the geotechnical portion because there was a denial issued and not an approval. There must be a miscommunication or mix up on the notice because the staff report was emailed and hard copy mailed to the applicant. With the email, we get an email back stating that it failed to send. We received no such email. We can check to see why there was an issue if the Commission would like.

**Adams** the staff report was both mailed and emailed September 29<sup>th</sup>, last Thursday.

**Harrild** we can clarify that with the applicant. I agree it's hard to come to a meeting and not be aware of anything that has been prepared. I understand that concern but we did act accordingly and we would like to clarify that with them.

**Mr. Chambers** I didn't mean to imply anything wrong because we didn't get it.

**Harrild** we understand that, we just want make sure there isn't an address wrong.

**Mr. Chambers** I don't want to imply anything improper.

**Harrild** we just want to validate that and I understand that concern. We aren't trying to set this up as a number of conditions that have to be met; these are fairly typically requirements.

**Christensen** in requiring the road widening, there are at least five or six parcels that are probably all separate owners, so we are saying that the road would not have to be widened or upgraded in front of their parcels but just the applicant's?

**Staff and Commission** discussed the road improvement requirements. The road standard states that the travel lanes have to be widened and that in front of the applicant's property the shoulder be improved. The Council can also require that those improvements be extended the whole way back. Typically it has to be at least the two travel lane's and the applicant's frontage for the shoulder.

**Tyler Archibald** for the extension of the road maintenance it's going down 3600 west to that home on the east which is about half way from the main road. They don't stop there they go all the way to the corner and go down 4300 south because they cannot turn around at that residence.

**Runhaar** we are recommending that they approved this, are you arguing against it?

**Mr. Archibald** you are recommending that they do what?

**Runhaar** that they extend the services and push the whole thing. The snow plow is a tertiary priority, which means that it may be up to 3 days after a snow event because the snow plow will sink if it isn't frozen solid. Which means that then it has to be a grader which could take up to 5 to 7 days before it's down. You won't be happy with that and if there is an emergency the fire

department won't be happy with that. We are saying if the road is improved and a turnaround up at the top, the snow can be pushed all the way up and down.

**Mr. Archibald** so is that going to be a significant amount of maintenance for a single family home?

**Runhaar** probably not. It will increase maintenance a little bit; you will get a grader once a year. If it washboards or ruts after that, you won't see a grader for several months.

**Mr. Archibald** it was graded three times last year.

**Sands** it's what's on the plan versus what the operator decides to do.

**Runhaar** it will also depend on some other things. There were some roads in that area that had issues where it was damaged and we had to re-grade a lot of the roads in the area but the standard on a road like that would be grading once a year in the summer. In the winter time, if we can't get a snow plow on it a grader will have to come through and it will become a priority with a home on it.

**Sands** the other thing to note is that this is just a recommendation to the Council and they are the ones that have the final say.

**Mr. Chambers** the last time this came around, one of the solutions we had proposed to the County at the Ombudsmen office was he went out and researched what it would cost for him, as a private citizen, to have a construction company come and clear the snow if the county couldn't do it. He was willing to put up a bond to cover that cost and the blowback we received from the Planning Office was that there was not a procedure to put up a bond that fit into the process or a way to assess something on the taxes for that. I know the solution you have is totally different but I simple say to add some context for seriously he has been working on this and to move his family. I think this is a good solution, thank you.

**Gunnell** based on what you said, you are fine if we move through with this even though they didn't have the notice? Are you okay moving on it?

**Mr. Chambers** I don't see any problems; those are the requirements so I think those conditions are what we have to meet.

***Gunnell** motioned to recommend approval of the Little Bear Field Subdivision to the County Council with the findings of fact, conditions, and conclusions; **Christensen** seconded; **Passed 4, 0.***

**06:53:00**

**#7 Public Hearing, 6:15 p.m. – Amendment to Title 17 re: Crematoriums**

**Harrild** reviewed the Amendments to the County Land Use Ordinance 17.07 Definitions and 17.09 Schedule of Zoning Uses to create a separate use category and definitions for

crematoriums. Currently cemeteries include crematoriums and are only allowed in the A10 Zone. This would allow a crematorium to be placed in the A10 and Industrial Zones. A crematorium does not include storage or burial of any urns or remains onsite.

**6:55:00**

*Olsen motioned to open the public hearing; Gunnell seconded; Passed 4, 0.*

**William Mackin** we run the crematorium in Smithfield now and when we started that 12 years ago there was the same confusion of where it really belonged. This helps clarify it and helps us to continue where we are. The crematorium was actually first supposed to be on main street in Smithfield, which isn't where it belongs. So it does work very well in an industrial area.

**06:56:00**

*Christensen motioned to close the public hearing; Olsen seconded; Passed 4, 0.*

*Christensen motioned to recommend approval of the proposed amendments to the County Council; Gunnell seconded; Passed 4, 0.*

**06:58:00**

### **Rebound Unlimited CUP**

**Adams** reviewed a request for approval of a conditional use permit (CUP) to allow the operation and construction of a building for a light manufacturing operation on 9.13 acres of property located at 420 East 9800 North, southwest of Richmond, to the Industrial (1) Zone. The company is manufacturing harnesses and other soft goods, and assembling trampolines. The building would be at the northeast corner of the property, towards the road and would meet setback requirements. There would be two part-time employees traveling to the property every day. There is a home currently on the property and it would be allowed to remain for a caretaker's residence. The equipment would be a forklift to move material, industrial strength sewing machines and other similar pieces of equipment for that manufacturing. The hours of operation would be Monday-Friday, 8 am to 3 pm. The request does meet the compliance with law requirement and falls under use category 2100 General Manufacturing, which requires a conditional use in the industrial zone. The caretaker's residence, which is accessory to an industrial use, will need to be occupied by a person that oversees the non-residential operation or a family member of the business owner. In regards to health, safety, and welfare all the uses and activities going on with this request are contained within the site. The road currently is 22 feet of pavement with a total width of 24 feet. The private drive access would be required to meet any requirements from the County Fire District and it is likely that the structure will require a holding tank for water for fire suppression. The traffic impacts are two employees coming to and from the site every day and deliveries are normal parcel services such as UPS, USPS, etc. There may be 10 times per year where the applicant would rent a large truck for deliveries or to haul materials away from the site. For parking, the building is required to have 9 parking spaces, or a parking study justifying fewer stalls completed by a qualified professional may be submitted. Water is adequate for use but not fire suppression; they do have a septic permit for this use.

Noise will be minimal; traffic impacts will be minimal; no signage would be associated with the building; there are also no sensitive areas in this location. Some conditions to note are: #2 -Any expansion or modification must go through the land use authority. The intent of the applicant is to use a portion of the building for the manufacturing process and a portion for a crematorium in the future. This condition ensures that the crematorium will have to go through the CUP process as well. Also #4 specifies that the single family dwelling can stay there but must be occupied by the people over seeing the facility or family members. The number of dwelling units must not be expanded. Staff is recommending a design exception for the paved width of the road because the road does meet the total width requirement. The total width of the road and the increase in the number of trips is minimal, and paving a two foot wide strip is not practical and can create future maintenance problems.

**Staff and Commission** discussed the application. The amount of water needed to be held for fire suppression would be specified by the fire department. Any hazardous material will be identified and located by the fire department and the operator of the facility. There is a system where staff is able to GPS where in the building those items are located. If the home were to be sold or changed, the home would still have to be associated with the business or building. Questions were raised regarding the amount of water needed. Staff spoke with the state water engineer and he stated that what was in place for the home should be enough to handle the needs of the building and would not require additional water rights.

**William Mackin** I own the home and we are just trying to move our manufacturing facility out there to stop leasing a building.

**Sands** what about the question regarding fire requirements and hazardous materials?

**Mr. Mackin** there is no hazardous materials in the building. There is no storage at all. We work with fabric and foam. All of our welding and steel work is done with a subcontractor. No painting or anything like that; this is assembly and send out.

**Gunnell** it says related soft goods; is that just bungee and trampoline?

**Mr. Mackin** correct; we build bungee cords, harnesses, skirts to go around trampolines. Our manufacturing is mainly for ski resorts, family fun centers and things like that. We have a lady who sews harness, bungee cords, and soft goods.

**Gunnell** you are okay with condition #4 regarding the house?

**Mr. Mackin** not a problem.

*Olsen* motioned to approve the Rebound Unlimited Conditional Use Permit with the findings of fact, conditions, and conclusions; **Gunnell** seconded; **Passed 4, 0.**

**07:10:00**

## **Crazy Cascade Blueticks CUP**

**Harrild** reviewed a request for a CUP to allow the operation of a Home Based Kennel for up to 12 dogs on 1.50 acres of property at 1980 East High Creek Road, Cove, in the Agricultural (A10) Zone. A sound study has been submitted and confirms the applicant is within the 10 decibel limit. There is a concrete pad that has been added to the property that is not shown on the aerial picture. The current kennel meets the 50' setback requirement but there are some individual kennels/dog houses that are within the setback and those would need to be moved out of the setback. There will need to be a dedication of an additional 8 of right of way for county roads that border this property. There are a number of structures that need to be verified by staff for proper permitting.

**Staff and Commission** discussed condition #3. Adult dogs are what the code states not pups. The code does allow for 12 or more adult dogs if the impacts can be mitigated, but the application is for 12 adult dogs.

**Trina Phipps** on the north side of the property it is dog houses, not kennels. And the picture shows that there are 6 dog houses but now there are only 4. There are two puppy pens located east of the dog houses and they have a temporary cover that can be removed at any time.

**Harrild** There was one comment received in opposition to the proposed use.

*Christensen* motioned to approve the Crazy Cascade Blueticks CUP with the findings of fact, conditions, and conclusions; *Gunnell* seconded; **Passed 4, 0.**

**07:17:00**

## **Whisper Ridge CUP**

**Harrild** reviewed a request for approval of an amendment to the existing conditional use permit to increase the number of employees, guests, and vehicles; to site and operate yurts at three separate locations and the base area in order to allow overnight accommodation; and to add portable shower and bathroom facilities. There are three cabins that are included in the CUP and they are not allowed to be used for this operation and that condition will remain. Other existing structures include a mobile shop and the bomb boxes. Typically there are 12-16 guests per snow cat per day. There are 3 snow cats, 1 rescue snow cat, 3 snowmobiles, and 2 ATVs. The ski operations are approximate and weather dependent. Typically the season is from December-April, 7 days a week including holidays; 24 hours a day. Maintenance and improvements of the site happen throughout the year. The proposed additions are 10 yurts with stand-alone decks and mobile shower/restroom facilities as necessary for the occupants; 1 radio repeater with a 6 foot tall transmitter. The number of customers would be 12-16 guests per snow cat per day; 3 operational snow cats and 2 used as back up or grooming cats; 3-36 persons per site; this will vary depending upon the requested accommodations. The snowmobiles would be increased to 5 and there is a request to allow some ski drops by helicopter. Condition #8 addresses the requirements for the landing pad and FAA. There are several sensitive areas. Anything developed in those areas will have to meet the sensitive area requirements for Titles 17.18. There is a sensitive habitat area for Sage Grouse on the eastern portion of the area. The applicant

currently has no activity in that area; if it changes they will have to meet the requirements. Condition #13 addresses some concerns regarding activities happening on areas not including in the CUP and states they are not allowed to have activities on those areas.

**Staff and Commission** discussed the number of snow cats. Currently they have 3 snow cats and 1 rescue snow cat and that will increase to 5 snow cats and 3 snow cats to operate as backups. The yurts are not allowed as a year round residence and will need to be removed at the end of the season. There are no major issues for health, safety, and welfare. The Fire District has already addressed what can be used to heat the yurts. For access to the site they use multiple county roads. Primary access to the base site is County Roads 800 East, 10600 south, and Paradise Dry Road. These roads are identified as mountain and rural roads. Mountain road standards are 12' total width, and rural road standards are 20 feet of gravel with a 2 foot shoulder. Both roads have an average daily trip of 30 and the likely hood of the operation exceeding that is very minimal. The local road is 800 East and the total width needs to be 24 feet. Currently it does not meet that standard but the total road width is adequate so staff is recommending a design exception for that road. The current CUP recognizes 8-10 vehicles would be present at the site at one time, and the initial staff review identified parking areas that would accommodate more than 50 vehicles. As long as there are less than 30 average trips a day parking will remain adequate. Snow cat parking is separate. If they choose to place a yurt in a sensitive area they will be required to meet the requirements for the sensitive area. Staff does have some concerns with the general ski area. They general ski areas appear to extend onto two parcels that are not included as part of the CUP application and a condition has been created that states if the parcels are not included in the CUP they cannot be used for the operation.

**Staff and Commission** discussed snow removal. There were a number of fences damaged last year with the snow removal however the county standard is that the landowner is responsible for the fences and is responsible for any repairs. If the snow were to be plowed to the south it would fix the problem. The road was discussed and the only problem staff heard about the road was that in the spring someone got stuck. There was one other issue where someone got stuck in an electric car because the car died. Commission members mentioned that there were several customers who could not get up the road during the winter which is why the applicant started to plow the road and lead to the issues with the fence. Also, in the spring the road does get very soft and the extra driving does tend to damage the road which causes problems for those using the road for agricultural users. The county does grade the road right up to the fence line.

**Zane Summers** how far east do you consider Paradise Canyon road to be a public road?

**Harrild** up to and beyond the proponent's property.

**Christensen** I heard there is gate across the road and that it is locked; is that gate on the road you are describing?

**Mr. Summers** there are three locked gates with the last one at their property.

**Christensen** is that all county road that the locked gates are across?

**Mr. Summers** that's what I'm asking.

**Runhaar** that happens.

**Mr. Summers** I've never know that road to be a county road past Tony Ward's gate.

**Runhaar** that's what our Class B classification shows as county road. We have a number that are on the fringe. If we are claiming now as a Class B and have been for decades, we call it a county road unless there is other evidence.

**Mr. Summers** has there ever been county maintenance past Tony's gate that you are aware of?

**Runhaar** I don't know; I would have to pull records and talk to the road guys. Maintenance does not define a county road.

**Mr. Summers** there is a real question there and I'm not trying to obstruct this just want some answers.

**Lynn Shelton** I live near this. The waste water is a haul off, none of that is to be disposed on the property?

**Harrild** correct.

**Mr. Shelton** and any fresh water they use, they haul in?

**Harrild** yes.

**Mr. Shelton** and does this approval have any liquid fuel or chemical storage?

**Harrild** no, any liquid fuel or chemical storage would be at the base site.

**Mr. Shelton** no fuel storage for the helicopter?

**Harrild** correct.

**Delaney Stephens** for clarification, we did contact a traffic engineer. He said the average daily trips would be 9, so that is well under the 30 trips. We would like to have the parking study removed where we are under the 30 trips.

**Christensen** how many people are you anticipating up there a day? Also, how are you planning on getting them up there and back if you are only anticipating 9 trips a day?

**Mr. Stephens** we don't really know how many will be coming but how they will be getting up there will be carpooling and also they will be staying overnight. There won't be day use traffic because the cars will come and stay there two or three days.

**Christensen** I'm going off your 8 cats and accommodating 10 to 15 people per cat, is that correct?

**Mr. Stephens** 5 of those cats will be used for guests and 3 will be back up cats. So there will be 5 at a maximum that we will use on site for guests.

**Gunnell** if there is no fuel storage, how are you refueling the cats?

**Dan Lockwood** right, we transport with fuel on board.

**Gunnell** so if somebody is staying at the yurt for 2 or 3 nights, there will be catering be supplying cooked meals.

**Mr. Stephens** catering will be supplying cooked meals and that number of 9 trips includes the catering.

**Gunnell** 9 seems low if you are talking fuel, catering, customers, and employees.

**Staff and Commission** discussed the average trips per day. The 9 trips the applicant has supplied is an average. It's not going to be perfect because some days you possibly will have more than 30 trips and others you may have 3 trips per day. The code is written specific to the number of average daily trips.

**Gunnell** how are the yurts powered?

**Mr. Lockwood** it's solar with a back up battery cell, and then there is a generator.

**Gunnell** there will be a generator with each yurt?

**Mr. Lockwood** yes. The generator will only be used on days that the solar can't.

**Gunnell** how are they heated?

**Mr. Lockwood** pellet stoves.

**Olsen** are you using propane or gas for the generators?

**Mr. Lockwood** gasoline.

**Olsen** I know when people were being taken up there last year, several cars parked in front of the subdivision on 800 east. Are you going to try to get them all to drive up to staging area? I know there were cars parking in front of the homes.

**Mr. Lockwood** when we had some bigger snows on some days there were a couple of times where that happened. One of the things that I talked with Chris about is the county plows the road through there. We are going to use a snow blower this year.

**White** that didn't answer the question on parking on the road.



**Mr. Lockwood** I didn't know that was an issue for awhile. The only time we really had a problem was when we got to the ranch road where there isn't a lot of room. So our thought to mitigate that is to blow the snow this year. We have a blower for a track skid-steer to use this year.

**Olsen** there is some issues with the road where gravel might need to be put on it.

**Mr. Lockwood** we can look into that.

**Mr. Shelton** what is the tank size on the generator and how many?

**Harrild** there are three generators.

**Mr. Lockwood** off the top of my head, I think they are 2 gallons.

**Olsen** the garbage is supposed to be taken out each day, where do you take it?

**Mr. Lockwood** we take it to our dumpster in Eden.

**Sands** I think someone asked about hot water?

**Mr. Lockwood** they are low gallon per hour heads and the water tank heats as soon as they are turned on.

**Sands** are the on demand water heaters electric?

**Mr. Lockwood** I think they are electric.

**Olsen** the sewage, how is that handled?

**Mr. Lockwood** the toilets are compostable and they will go for 6 months with the waste and the rest is grey water. They are very clean and zero odor.

**Staff and Commission** discussed the road. If the road deteriorates because of someone using the road, they are responsible for fixing it. The hard thing to prove is that the person using it caused the damage. Staff is not able to check all CUP's and make sure they are following the conditions. If there are complaints staff looks into. The gates across the road were discussed. There is a process to go through to get the gates removed. It's a prescriptive easement that if it is used as a county road for 10 years continuously it is a public road unless abandoned by the legislative authority. The gates have been up there and locked for over 30 years. Part of the reason for the gates is teenagers have been up there and they start a fire and leave without putting them out.

**Brad Hunt** I manage Hardware Ranch for the DWR and an area of concern that we have had is that this past winter there are certain areas of the range closed to motorized vehicles. We haven't had a problem with it before and the CUP was approved but we've had snowmobiles going through our area. More a thing of concern is that winter is a crucial time for wildlife and we

would like a guarantee from the operators that their customers and employees will remain in the area they are supposed to be operating in.

**Mr. Lockwood** we don't operate snowmobiles as a rental for our customers. There are a lot of snowmobiles in the area but I don't believe the DWR's concern is us. The map that we generated with the shaded area is to show where the yurts and where most of our ski area is but it didn't delineate the only ski area, correct? The ski area is the property.

**Harrild** yes. We asked the mapping department to show us the ski areas. We need to clarify that so there is no question about those areas being part of the permit and if something arises we can say it was discussed and you are aware of it. I don't think it's your intent to operate where you don't own property.

**Mr. Lockwood** no. My son does the maps and I think he was trying to show the area that we significantly impacted with skiing last year. I don't think he intended to put that on to any property that we don't own or isn't part of the CUP. The property that is part of the CUP is outlined in yellow; which is everything that is Olsen's. The parts that are white are not and the area that is in green is the area that we impacted the most last year and the area that we intend to impact the most this year. But the yellow area is the ranch and the ski area.

**07:59:00**

*Olsen motioned to extend the meeting to 8:10 pm; Gunnell seconded; Passed 4, 0.*

**Staff and Commission** discussed the additional language to condition 7 and the language for the addition of condition 14. Parking is not allowed in the county right of way and if staff has complaints about parking deputies will be sent to ticket and there is a possibility that someone could be towed.

*Gunnell motioned to approve the Whisper Ridge CUP with the findings of fact, conditions including the amendments to condition 7 and addition of condition 14, and the conclusions; Olsen seconded; Passed 4, 0.*

**08:03:00**

### **Staff Reports**

The CUP for the motor park in Amalga was not recorded and the issued approval is now void. Staff will double check the noticing issues that were raised tonight.

**08:07:00**

**Adjourned**