



PLANNING COMMISSION MINUTES

01 December 2016

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Present: Angie Zetterquist, Chris Harrild, Josh Runhaar, Megan Izatt, Lee Edwards, Jon White, Nolan Gunnell, Phillip Olsen, Chris Sands, Rob Smith, Jason Watterson, Brady Christensen, Lane Parker

Start Time: 05:31:00

Watterson welcomed and **Christensen** gave opening remarks

05:32:00

Agenda

Sands motioned to approve the agenda with the removal of item #4; *Gunnell* seconded; *Passed 6, 0.*

Minutes

Approved with no changes.

05:34:000

Consent Items

#1 Phoebe Meadows Subdivision 1st Amendment

Mr. James Fournier is requesting a recommendation of approval to the County Council for a subdivision amendment to amend Lot 3 and add and divide parcel number 01-087-0006 to create two additional lots, Lots 4 and 5, located at 7909 South 400 West, Paradise, in the Agricultural (A10) Zone.

Harrild explained the incremental road improvements requirement.

5:42:00

Smith arrived.

Shelly Moosman what is the requirement for construction of that driveway?

Harrild a 20-foot width of gravel.

Ms. Moosman there is an irrigation line that runs down that, how far away does it have to be?

Harrild 2 feet off of the property line within the noted right of way.

Runhaar with anything if they damage that irrigation line they will be responsible for fixing it.

Joseph Nielson I have properties on the west side. With that sprinkler line, how are they going to get the water across the road? Is that their problem?

Harrild are you referring to culinary water?

Mr. Nielson no, irrigation.

Harrild Yes, that is the applicant's problem.

Mr. Nielson are you aware that the house that is there now, that is supposed to use 4th West the barricade is down and they are using 7900 South?

Harrild that barrier should be replaced and we will follow up with our public works inspector.

Mr. Nielson it seems to be a waste of money to develop this private roadway instead of using the road that is already there.

Harrild that will be up to the applicant.

#2 Dee Petersen Subdivision

Mr. Dee Petersen is requesting a recommendation of approval to the County Council for a two-lot subdivision with an agricultural remainder on 14.6 acres of land located at 450 East 11600 North, west of Richmond in the Agricultural (A10) Zone.

Sands motioned to approve the consent agenda; Olsen seconded; Passed 7, 0.

05:47:00

Regular Action Items

#3 Public Hearing (5:45 PM): Nixon & Nixon, Inc. Rezone

Zetterquist reviewed the staff report for the Nixon & Nixon, Inc. Rezone. Impacts will be discussed when there is a Conditional Use Permit application.

Commission and **Staff** discussed access.

05:53:00

Olsen motioned to open the public hearing for the Nixon & Nixon, Inc. Rezone; Christensen seconded; Passed 7, 0.

Jack Nixon we own this property. 32 years ago I received a permit to excavate 12 acres on the south end of this property. Johnson has been excavating that until recently they sold their business. During that time excavation took place a little bit north of the area the permit allowed for. I don't remember the size of the property from 32 years ago when we took this out. We have probably excavated 10 acres into the property not included in the original permit and we didn't mean for that to happen. We would like to include the rest of this land in the permit now. The county does own the land to the north and south of this. Sooner or later all that land is going to

be excavated and when that happens we would like to level our ground so it can all be contoured. I am not in the gravel business and am not planning to do a major pit there but the land will be leased out for that in the future. I want to make sure this is legal and we correct any problems with the pervious permit and from excavating where it wasn't included.

Todd Corbett I own the property to the north. The zigzag road, because of regulations, that should be a paved road or watered down regularly to control dust. When my dad was alive he would call and they would bring a water truck out to control the dust and my mom called after he passed and nothing has happened with that. Either that road is going to have to be paved or something done about the dust because that falls under the regulations of the EPA. That's one issue. So they've gone beyond their boundary and there are issues with the dust cloud. The land where I border is eventually a 300 foot elevation change from top to bottom so I don't know what is going to be the buffer for my property with that 300 foot cliff. Also there is some water drainage there that feeds a well for our winter use. If the water flow changes due to this, then how is that going to affect my well? There are a lot of issues from an Ag standpoint that needs to be dealt with. I know the County owns that, and that there are 4 other gravel pits around this, but do we need another gravel pit? Do we need more trucks and jake brakes? This affects my lifestyle and others. In the 1940's there was gravel extraction for Highway 91 so there isn't much more there. What is the enforcement for this, what are the pit hours and are they going to be required to build a fence? When Jack bought the property, the County already had that gravel pit there. There are also Ag lines that cut through this property. How is the land going to be rehabilitated? Are they going to be required to do an escrow? That's my concern and if this approved what is the process.

Smith right now, this is just a rezone and we are not approving or disapproving a gravel pit.

Mr. Corbett but that is the next step?

Smith yes.

Mr. Corbett That strip of land has the most unique zoning in the County. I am more concerned with how I'm going to be compensated for property value and how we are compensated for this.

Olsen could you point out where your mother's home is and where your property is on the map?

Mr. Corbett my mother owns about an acre on 7100 north and there are homes scattered around.

Olsen which road do they travel when the gravel is going out?

Mr. Corbett they come down here (pointing to map) and goes around here. But there is lots of dust. If you look at the fugitive dust control, they are supposed to be controlling that dust.

Dave Erickson I am just north of this and am involved with the irrigation company out here. We do have our big main line irrigation line that feeds 100+ acres out there. We have a pond up to the east that feeds into the property right here (pointing to map). This big transit main line was put in. When this land was approved, we did work with the landowners because we had a big lateral that went in and fed this property. We worked with them and eventually they chose to just

cut that lateral off and it was dug up and removed which we were fine with that. But all of a sudden from here north, we have no contact with the extraction company. We have had some leaks developed along there.

Smith do you have an easement?

Mr. Erickson yes we do, that was put in, in 1968. That is old asbestos pipe through there and we don't want that disturbed. At one time they wanted to take it up and around but the fall of the land and the adjustments and the pressure station didn't work out. That pressure station is about a 30 inch pipe. That's my biggest beef coming through there is we really need to look at that when the CUP comes before you and they need to account for this land. This has become a big down pit and it's got everything up along the sides. Nichols has actually stopped extracting gravel and now they are doing homes. The other thing I worry about is that there is an access point, but we don't know whose it really is. That's an issue that we worry about as this expands and then there is the issue that they worked out of their permit area. They knew they were working too far north.

Olsen is there a deeded right of way there for that pipeline?

Mr. Erickson yes there is. That was done with participation money through farm services years ago. There are records upon records for the right of way. They worked really well initially with us but we haven't heard from them for quite awhile.

Gunnell do you know the width of the right of way?

Mr. Erickson not of the top of my head but it is a 16 inch pipeline.

6:13:00

Watterson** motioned to close the public hearing for the Nixon & Nixon, Inc. Rezone; **Gunnell** seconded; **Passed 6, 0.

Commission and **Staff** discussed the rezone. Many of the concerns raised by the public will be addressed through the CUP process.

Gunnell** motioned to recommend approval of the Nixon & Nixon, Inc. Rezone to the County Council; **Watterson** seconded; **Passed 7, 0.

#4 Discussion: 17.23 Sign Standards

Removed from agenda.

06:24:00

#5 2017 Meeting Dates and Application Deadlines

Christensen motioned to accept the dates for the 2017 Meeting schedule; *Watterson* seconded; *Passed 7, 0.*

06:27:00

Staff Reports

Runhaar notified the Commission that LUDMA will be undergoing changes in the next year.

06:52:00

Adjourned