



PLANNING COMMISSION MINUTES

07 JULY 2016

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2. Phoebe Meadows Subdivision	removed from agenda
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1 **Present:** Jacob Adams, Chris Harrild, Josh Runhaar, Megan Izatt, Lee Edwards, Lane Parker,
2 Nolan Gunnell, Phillip Olsen, Jason Watterson, Jon White

3
4 **Start Time: 05:35:00**

5
6 **Watterson** welcomed and **Parker** gave opening remarks

7
8 **05:37:00**

9
10 **Agenda**

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12 *Gunnell* motioned to amend the agenda to remove item #2; **Parker** seconded; **Passed 4, 0.**

13
14 **Minutes**

15
16 *Gunnell* motioned to amend the minutes to adjust the time stamp from 5:23 to 5:33; **Parker**
17 *seconded; Passed 4, 0.*

18
19 **05:39:000**

20
21 **Regular Agenda**

22 **#1 Public Hearing (5:40 PM): Younker's Rezone (Angela Younker)**

23
24 **Adams** reviewed Ms. Angela Younker's request for a recommendation of approval to the
25 County Council for a rezone of 9.13 acres of property at 420 East 9800 North near Richmond
26 from the Agricultural (A10) Zone to the Industrial (I) Zone. There is a home located on the
27 property. The applicant's intent is to perform light manufacturing on the property with the home
28 as a caretaker's residence. The I Zone nearest to this property is Pepperidge Farm north of
29 Richmond City. Richmond City is not considering annexation at this time but has submitted no
30 comment regarding the rezone at this time. The I Zone allows uses including: General
31 manufacturing, storage and warehousing, self-service storage facilities, general vehicle repair,
32 mobile food truck, sexually-oriented businesses, telecommunication facilities, and commercial
33 kennels/animal shelters. Access currently does not meet the requirements of the ordinance and
34 would need to be improved to meet the Road Manual standards. The County Fire District has
35 indicated that the road meets their requirements but there would need to be a water supply for
36 fire protection. Logan City Environmental Department of Solid Waste Collection does not have
37 comments at this time. At this time, no public comment has been received by staff. If the rezone
38 were to happen then a conditional use permit (CUP) would come before the Planning
39 Commission for the proposed use.

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41 **05:47:00**

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

44
45 **William Mackin** we are a small family run business.

1 **Parker** you are looking for the rezone and then there is something you will move on to the
2 property that would fit into these categories?
3

4 **Mr. Mackin** yes.
5

6 **Tami Pattinson** we have a letter we would like to submit. I am speaking on behalf of my family
7 and our neighbors Mark and Gretchen Cardall. We are directly to the west of this and the
8 Cardall's are directly behind this property. For the purpose of constructing a building of 8,000
9 square feet we are not against the building. But we are opposing the rezone to the I Zone. This
10 zoning change does not fit within the surrounding areas. There are several homes near this
11 including several families with young children. The I Zone would allow for there to be sexually-
12 oriented businesses and this is not good for our area. Diminished property values; there will be a
13 negative impact on the values of the surrounding land. After those concerns, once the zoning is
14 allowed, any of those types of business can happen on this property. There is a broad spectrum of
15 businesses that could be run on that property. We, as the neighbor's, would have no say in what
16 could go in. We understand the applicants have also applied for a business license. The applicant
17 currently runs a pet crematorium in Smithfield and our understanding is that they want to move
18 this business here. We are not completely carte blanche no, but the type of waste and byproducts
19 this type of use would bring are a big concern for us. The applicant owns several businesses and
20 we would be fine with almost any of those using this property; we suggest an optional zoning
21 change if there is one that would fit their needs and that would keep it out of the I Zone that
22 would prevent the other types of businesses from moving in. We've been approached to have
23 dog kennel here and that is not something we want either. We would not be opposed for a zoning
24 change that would allow for the building they wish to have but would not be considered
25 industrial manufacturing. In particular, any business that would operate outside the hours of 8 am
26 to 5 pm or normal business hours or would increase the traffic to the area or such businesses that
27 would emit waste products into the water or air. What we are opposed to specifically is the I
28 Zone change which would allow the types of businesses that are not conducive to a residential
29 and agricultural area. We also understand that the applicant has applied to operate a pet
30 crematorium and this is a significant concern in regards to the waste and emissions emitted by
31 such a business. We will leave a copy of this letter with you. We would like to find a
32 compromise that would allow them to operate a business her but what we are seeing is that once
33 the rezone happens it is open for anything. Our property values will plummet if this happens.
34 Those are our concerns, thank you for your time.
35

36 **Caleb Keller** I own the field to the east. My concerns would be if there was any kind of ground
37 pollution.
38

39 **Mrs. Pattinson** we already have an issue with runoff and the calf operation feeding. Lower's
40 meat processing is right above this and they have had quite a few problems with water runoff and
41 they are trying to deal with. We've got a lot of problems there with broken pipe and water
42 running down for at least a mile; that entire infrastructure would probably have to change.
43

44 **Mark Cardall** we own land adjacent to this proposed site. Rightwood's has a composting
45 facility to the west of here and when they moved in there was no regulation. The amount of flies
46 and smell that we lived through was terrible. We went to Rightwood's and the County and the
47 Health Department to fight this and there was nothing done. However, one wet year they were

1 flooded out and they went down there with the track hoe and dumped waste in to the Little Bear
2 River. Until we went to the news and got attention, the State and County didn't come out.
3 Lower's has been and continues to dump their waste on us. We've gone to the County and
4 Richmond City about this and so far haven't found any help or solutions for this. I guess opening
5 this up for more industrial is a big concern because we can't turn to any agency to get help if
6 there are problems. We want to stay agricultural and stay neighborhood friendly. If you can
7 regulate this and make them comply that would be one thing but the track record for that isn't
8 there.

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10 **6:00:00**

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

13
14 **The Commission and Staff** discussed the application. The applicant so far has met the
15 qualifications for a rezone. The road improvements would be paid for by the applicant. The
16 improvements for the insufficient road would be determined in line with the Road Manual and
17 County Road Department. This is a legislative action by the County Council. The Council does
18 require the Commission's input regarding the rezone. Any business would still require the
19 applicant to seek a conditional use permit (CUP). There are other pieces of ordinance that would
20 affect what type of business could be done here even if it is zoned Industrial. Lower's Food is
21 located within Richmond City's jurisdiction, not the County's.

22
23 **Mrs. Pattinson** if you look across the field there is a farm. But you have several young families
24 living and moving into this area. Lower's has problems and is trying to work to solve them. We
25 know that isn't the County's jurisdiction but this is going to add to this. There are broken
26 infrastructures there already and this is a residential area. We will continue to become more so;
27 we aren't in the city, we are in the county and this is going to continue to grow as a residential
28 area. We are not opposed to large buildings but I don't see any good that could come from
29 having an I Zone in this area.

30
31 **The Commission** would have liked to see more comment from Richmond City as to the
32 direction they have for this area.

33
34 **Mrs. Pattinson** they do have a 20 year plan on their website and this area is noted as a park area.

35
36 **Commission and Staff** discussed that the County does not have a master plan as to where
37 certain zones should be located. Hopefully a general plan will be done in the near future but until
38 then it is handled on a case by case basis. Some members of the commission are concerned that
39 this does not fit the general area where the surrounding parcels are zoned Agricultural.

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41 *Gunnell motioned to approve the Younker's Rezone with the stated findings of fact and*
42 *conclusion; Parker seconded; Passed 3, 1 (Olsen opposed).*

43
44 **06:17:00**

1
2 **#3 Discussion – Agritourism**
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4 **Harrild** reviewed the definition of Agritourism. There have been requests for, and there are
5 existing, nonconforming uses that are not well addressed by the current code and would qualify
6 as Agritourism. In Agritourism, the primary use is agricultural, and the additional or value
7 added uses would be accessory to that primary use. Staff has reviewed multiple options in
8 shaping the proposed amendment and provided an approach that works with the current County
9 Code. The definition suggested is as follows:

10 Agritourism: A use or activity that is accessory to an Agricultural Production primary use, and
11 whose purpose is for recreation, retail purchase, education, or participation of the general
12 public on-site, and it is additionally defined as follows:

- 13 1. Any such use/activity must be accessory to a primary Agricultural Production use.
14 This means that the primary Agricultural Production use:
 - 15 a. Must qualify as land under agricultural use as defined by the Farmland
16 Assessment Act, UCA 59-2-5, and;
 - 17 b. 75% or more of the property must be used in the production of agricultural
18 goods.
- 19 2. The use/activity occurs during more than six (6) (consecutive or non-consecutive)
20 days per year and provides agriculturally related, and in some instances, non-
21 agriculturally related products to the general public.
- 22 3. Any such use/activity requires Land Use Authority review whether or not the
23 participant(s) pay to participate in the use/activity.
- 24 4. Any overnight accommodation is permitted with no more than a total of four (4) guest
25 rooms.
- 26 5. Any such use/activity may include, but is not limited to a: Farm tour; farm stay;
27 educational class; corn maze; group event or competition; U-pick operation; farmers
28 market; farm museum; cider mill; petting farm/zoo; retail sales facility (e.g., meat
29 shop; dairy or creamery; nursery; gift shop; flower, herb, or spice store; bakery;
30 restaurant; or café); small-scale food processing (e.g., process pumpkins grown on
31 premise into pumpkin pies), and other similar uses/activities as determined by the
32 Land Use Authority.

33
34 **Commission and Staff** discussed the definition. The 75% is consistent with the existing code
35 requirements for agricultural manufacturing and was also reflected in a number of other
36 jurisdictions. Some examples in the county that may qualify as Agritourism included: Gibbon's
37 Green Gate Farm, Corn Mazes, and U-Pick farms. There are some concerns with only requiring
38 5 acres of ground and it was suggested that applicants have a minimum of 10 contiguous acres of
39 land. The purpose of this proposed ordinance is to make sure value added activities for farms are
40 handled properly and safely so there aren't problems that could lead to public health and safety
41 concerns. Commission members felt fourteen (14) consecutive days would be a better number
42 than six (6) days. The proposed ordinance has been sent to the USU Extension Office, the
43 Agriculture Advisory Board, the County Visitor's Bureau, and the Farm Bureau and no response
44 has been received. B&B's and transient housing situations have to meet a commercial building
45 code, and a lot of the time the building code is difficult to accomplish in an existing structure.
46 The number of bedrooms, four (4) are allowed, are important and if it exceeds four (4) they are a
47 commercial entity. A limit on the occupancy rate per room should be added in and staff will

1 research out what would fit best. Staff will bring Agritourism back as public hearing at the next
2 meeting.

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4 **06:48:00**

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6 **#4 Discussion – Telecommunication**
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8 **Harrild** reviewed the Telecommunication ordinance. In 2014 the FCC changed some of their
9 requirements and statutes so the ordinance needs to be changed to reflect those changes. Many of
10 the changes were already handled within the last update to the section of ordinance, but some
11 changes need to be made. Currently the County Code requires telecommunication companies to
12 justify their tower height using coverage mapping and economic justification. Now the FCC has
13 stated that the County can no longer require telecommunication companies to use those specific
14 tools in their consideration. The FCC has also stated that planning commissions can deny a
15 request that qualifies as a “substantial change”. The FCC has defined what is considered a
16 substantial change so the ordinance has been changed to reference that language. The FCC does
17 allow consideration of aesthetic impacts regarding height requirements. All the changes to the
18 Telecommunication Ordinance have been made to reflect the new standards by the FCC. This
19 item can come back to the Commission next month as a public hearing.
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21 **06:57:00**
22

23 **Staff Reports**
24

25 **Runhaar** updated the Commission on the storm water permit pieces. The draft permit was
26 submitted to the State on July 1, 2016. Most of the pieces are drafted and almost completed.
27 They will come before the Commission in August and will run concurrently with the County
28 Council. Staff is mandated to have everything approved by September 1, 2016. Staff is trying to
29 make the ordinance as manageable as possible but it is going to be costly to land owners and the
30 County for storm water permitting. Agricultural is exempt under Federal law and the State is
31 pushing back on Agriculture being exempt. Staff and the State are working to come to an
32 agreement on Agriculture. Subdivisions are going to be a long and costly process because until
33 the subdivision is completed there has to be a monthly inspection completed. There is such an
34 enormous scope and breadth of area that has to meet the storm water permitting that it is very
35 onerous for the county.
36

37 **Harrild** suggested an additional meeting to help handle the agenda because there are so many
38 items. Harrild suggested that a meeting be added on July 21, 2016 that would be used to address
39 ordinance and storm water items and indicated that he would contact the Commissioner’s to
40 determine if there would be a quorum.
41

42 **7:21:00**
43

44 **Adjourned**