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Present: Angie Zetterquist, Josh Runhaar, Lane Parker, Brady Christensen, Jason Watterson, Chris Sands, Jon White, Lee Edwards, Megan Izatt

Start Time: 05:31:00

Christensen welcomed and gave opening remarks.

05:32:00

Agenda

Approved with the removal of item #4.

05:33:00

Minutes

Parkinson motioned to approve the minutes from April 4, 2019; *Watterson* seconded; **Passed 5, 0.**

05:34:00

Consent Items

#1 West Bench Vista Subdivision 1st Amendment

#2 Pisgah Limestone Conditional Use Permit 2nd Amendment- Extension Request

Watterson motioned to approve the consent agenda; *Smith* seconded; **Passed 5, 0.**

05:36:00

Regular Action Items

#3 Advanced Shoring Conditional Use Permit

Zetterquist reviewed the staff report for the Advanced Shoring Conditional Use Permit (CUP).

Staff and **Commission** discussed the conditions and road requirements. Conclusion 2 will need to reference **C-6** instead of **C-10**.

Sands motioned to approved the Advanced Shoring Conditional Use Permit with the findings of fact, stated conditions, and amended conclusions; *Watterson* seconded; **Passed 5, 0.**

05:47:00

#5 Holyoak Airport Conditional Use Permit – Revocation Review

Runhaar reviewed the code requirements for revocation of a conditional use permit (CUP) and the staff report for the Holyoak Airport CUP.

Staff and **Commission** discussed revoking the CUP and what constitutes a nuisance and how a nuisance is addressed.

Staff and **Commission** reviewed the CUP and the process that occurred to amend the code to allow for airstrips. The land use authority is only allowed to deal with an airplane when it has wheels on the ground; once the plane leaves the ground the FAA is the authority.

Parker** motioned to not revoke the Holyoak Airport Conditional Use Permit with the written findings of facts and conclusion; **Watterson** seconded; **Passed 5, 0.

06:16:00

Smith left.

Christensen called for a 5 minute recess.

06:21:00

#6 Public Hearing (6:15 p.m.) – Hawkes Rezone RU5

Zetterquist reviewed the staff report for the Hawkes Rezone RU5.

Staff and **Commission** discussed the location of the application.

06:31:00

Sands** motioned to open the public hearing for the Hawkes Rezone RU5; **Watterson** seconded; **Passed 4, 0.

Joe Hawkes commented on the general nature of the area, water and wells, and power already being in the area.

Jeff Nielsen commented that the parcel is only 3,000 sq ft. too small to subdivide and that this rezone wouldn't change the feel of the area.

Christensen asked about slopes.

Mr. Nielson commented that the north side is pretty steep but the south side is buildable.

Watterson asked who the owner to the west is.

Mr. Nielson stated the LDS Church owns the land.

Mr. Nielson commented that if the fence line that goes down the west side was the true property line, there would be enough ground to subdivide the land.

06:40:00

Watterson** motioned to close the public hearing; **Sands** seconded; **Passed 4, 0.

Staff and **Commission** discussed the history of the land.

Sands motioned to recommend denial to the County Council for the Hawkes Rezone RU5 based on the findings of fact and conclusion; **Parker** seconded; **Passed 4, 0.**

06:43:00

#7 Public Hearing (6:25 p.m.) – Applewood Hollow RU5 Rezone

Zetterquist reviewed the staff report for the Applewood Hollow RU5 Rezone.

Staff and **Commission** discussed written public comment received and if the applicant contacted Nibley City about mitigating concerns and access.

06:54:00

Parker motioned to open the public hearing for the Applewood Hollow RU5 Rezone; *Sands* seconded; **Passed 4, 0.**

George Daines commented representing the applicant. He gave a history of the land and talked about roads.

Christensen asked about the road and if it is a through road.

Mr. Daines commented that the road connects the father and son's property but is not a through road.

Sands asked what homes are served by 4700 South.

Mr. Daines commented it is the north road that serves Mr. John Daines's home. 4900 Sout is the deeded right away to access parcel ending in 0033.

Sands asked to confirm again that 4900 South is the legal road to access the parcel ending in 0033.

Mr. Daines commented that no one else but John Daines has a legal right to use 4900 South.

Sands asked if the land for 4900 South is deeded through the other parcels it goes through.

Mr. Daines confirmed that the road is deeded through all the parcels it goes through for access to the parcel ending in 0033. The reason for the rezone is to build a home for some special needs members of the family built next to the two current homes.

Christensen asked Mr. Daines if he had contacted and spoke to Nibley City with the history and reason for the rezone.

Mr. Daines stated he had and Nibley City has not been receptive. Mr. John Daines has no wish to be in Nibley City. There is only one home that legally can use 4900 South. Water, septic, and gas are already present on the land. The bridge structure is in place to widen the bridge but has not been completed.

Sands asked if a boundary line adjustment could be done and then rezone just one parcel.

Mr. Daines stated that the applicant would like the home to be built not have more than 2 acres.

Sands stated that there are concerns that after this rezone, eventually the 80 acres of farm land would come back for a rezone.

Mr. Daines stated the intent is to leave the 80 acres as farmland. The applicant understands about hauling trash out to Nibley Hollow Rd., and does not expect buses or anything either.

Larry Jacobsen stated he is here as a Nibley City Councilmen. He commented on roads, concerns with 3 to 4 lots being created by the rezone, and communication with Nibley City.

Sands asked Mr. Jacobsen about 4900 South, and the rezoning for one more home.

Mr. Jacobsen stated the staff report indicated 4 lots.

Sands pointed out that according to the staff report only 3 lots would be created, and two of those lots currently have homes.

Brett Skinner commented in support of the applicant and confirmed that the road is not a through road. He has never seen John Daines Jr. access his home from 4700 South.

Mr. Daines commented stated that John Jr. cannot legally access his land from Mr. Skinner's property. There is no through road from the parcels ending in 0033 and 0017. 4900 South only has one home on it and this rezone would only add one more home to that road.

Christensen asked if both homes were located on 0017.

Mr. Daines stated that John Sr.'s home is on 0017 and John Jr.'s home is on 0033. Combining the lots allows for the creation of a third lot to allow a home be built for a special needs family member. The applicant realizes road and bridge improvement could be required as part of the subdivision process for that home.

Staff and **Commission** discussed the road.

Mr. Jacobsen asked about access in the staff report.

Runhaar responded its county policy adopted via code.

07:30:00

Watterson** motioned to close the public hearing; **Parker** seconded; **Passed 4, 0.

Commission and **Staff** discussed the comments given during the public hearing, access, and the rezone being on the edge of a municipality,

Parker** motioned to recommend approval for the Applewood Hollow RU5 Rezone with the findings of fact and conclusions discussed; **Watterson** seconded the motion; **Passed 4, 0.

07:39:00

Staff Report

July's meeting has been moved to July 11th instead of July 4th.

07:40:00

Adjourned