



PLANNING COMMISSION MINUTES

5 December 2019

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**Present:** Angie Zetterquist, Chris Harrild, Brady Christensen, Brandon Spackman, Chris Sands, Nolan Gunnell, Jason Watterson, Jon White, John Luthy, Megan Izatt

**Start Time: 05:32:00**

**Christensen** welcomed and **Spackman** gave opening remarks.

**05:34:00**

### Agenda

Approved with no changes.

**05:34:00**

### Minutes

*Watterson* motioned to approve the minutes from November 7, 2019; *Gunnell* seconded; **Passed 5, 0.**

**05:35:00**

### Consent Items

#### #1 Ace Acres Subdivision

#### #2 Davis Dry Canyon Subdivision

#### #3 South Spring Ranch Subdivision 1<sup>st</sup> Amendment

#### #4 Newton Lateral Piping Project CUP

*Watterson* motioned to approve the consent items with attached conditions and findings of facts; *Gunnell* seconded; **Passed 5, 0.**

**05:36:00**

### Regular Action Items

#### #5 Whisper Ridge Conditional Use Permit Revocation Review

**Harrild** reviewed the staff report for the Whisper Ridge Conditional Use Permit Revocation Review.

**Staff** and **Commission** discussed the Whisper Ridge Conditional Use Permit (CUP) and what violations have occurred to cause the revocation review. If the permit is revoked both amendments to the CUP are no longer valid.

**Dayson Johnson** commented that he works for Magleby Construction and is a partner with Whisper Ridge. He also commented on the removal of the yurts and non-compliance with the heli-biking.

**Christensen** asked about what part Magleby Construction plays in the Whisper Ridge operation.

**Mr. Johnson** stated the owner of the Magleby Construction is an equity partner and was not aware of any of these issues and is willing to come into compliance.

**Jason Rickards** commented that compliance for the permits and conditional use permit is no longer with Mr. Lockwood but will be with Mr. Johnson.

**Mr. Johnson** stated that Whisper Ridge will be in compliance within 30 days.

**Christensen** asked about the yurts.

**Mr. Rickards** stated that the yurts are being taken down and will not be put back up for this season.

**Mr. Johnson** commented on the removal of the yurts not being able to happen due to there being 60 inches of snow in April.

**Gunnell** asked about the disturbed water.

**Mr. Johnson** stated commented on the existing beaver ponds creating erosion issues and that no fish were stocked.

**Gunnell** asked who did the work.

**Mr. Johnson** stated that a construction company will come in to check the work.

**Gunnell** asked about the biking trails.

**Mr. Johnson** stated that he has retained an engineer to double check all the work and make sure there is a plan that will have an NOI and SWPPP.

**Staff** and **Commissioners** discussed the water disturbance and what permits would be needed.

**Mr. Johnson** stated they are taking responsibility and trying to rectify the problems.

**Gunnell** asked questions about the helicopter use.

**Mr. Johnson** stated the use for the helicopter was too specific and they are hoping to rectify that.

**White** stated there is a pattern of non-compliance and that is an issue.

**Mr. Johnson** stated Magleby's is going to be around for the long haul and there has been a failure of communication with the operations part of the company that will not happen again.

**Sands** asked about conditions 7 and 8 and when compliance would happen.

**Mr. Johnson** commented on conditions b & c, and how those will be brought into compliance.

**Sands** asked if the mountain biking use would be part of a future amendment #3.

**Mr. Rickards** stated yes.

**Sands** asked about 8a and if it would be part of the future amendment #3.

**Mr. Johnson** stated they are operating the helicopter intermittently.

**Sands** asked if there was any use of the helicopter that would need to be permitted under amendment 3.

**Mr. Johnson** stated no.

**Sands** commented on the resources and the Greater Sage grouse and how they may have been impacted by the use.

**Mr. Johnson** stated that as far as he knows that greater sage grouse have not been impacted and they have been working with the DWR on the Weber County side and will continue to work with them on the Cache County side.

**Sands** asked when compliance with the original CUP could happen.

**Mr. Johnson** stated that compliance with the original CUP will happen within 30 days. The second amendment they are planning to record soon.

**Staff** and **Commissioners** discussed ceasing operations until Whisper Ridge is in compliance. Everything under the second amendment can cease without revoking the first CUP.

**White** stated there could be no biking or activities related to the pond until the required applications, reviews, approvals, and permits are completed.

**Mr. Johnson** responded yes.

**Christensen** asked about the operations under amendment 2.

**Mr. Rickards** stated that no activities listed under amendment 2 will happen until it is recorded.

**Staff** and **Commission** discussed what damage has possibly been done to water ways with the unauthorized earth movement.

**White** asked about what money comes back to Cache County why the office is in Eden.

**Mr. Johnson** stated that is not for this meeting but he understands the point being raised.

**Mr. Rickards** stated there is other development coming that will hopefully alleviate some of those concerns.

**White** commented on the water issues.

**Staff** and **Commissioners** discussed whether or not to revoke the permit and on what grounds revocation could be founded. Questions regarding the use of the helicopter were discussed. The original properties in in Avon area were part of the original CUP and 1<sup>st</sup> amendment with the La Plata properties included in the 2<sup>nd</sup> amendment. Heli-skiing is allowed under the 1<sup>st</sup> amendment on the originally properties; the La Plata properties cannot be used until the 2<sup>nd</sup> amendment is recorded.

**Christensen** asked if the applicant has met with the state regarding the remediation of the scarring from the bike trails and pond and stream adjustments.

**Mr. Johnson** stated he has not, but he has met with an engineer.

**Mr. Rickards** stated they are working towards remediation and the trails to be properly permitted to start in the spring.

**Gunnell** asked the mileage for the trails is going to be.

**Mr. Johnson** stated he can send that plan to staff and give what details are needed.

**Commissioners** discussed giving a 30 day time frame to bring the CUP into compliance with the 1<sup>st</sup> amendment and what would happen if that does not happen.

**Mr. Rickards** stated they want to prove to the Planning Commission that they are following the CUP and trying to come into compliance and bring everything else into compliance.

**Gunnell** asked about what equipment was moved for earth movement for the bike trails.

**Mr. Johnson** stated he is not sure how the trails were done but the vegetation was still there and the trail was a single track.

**Mr. Rickards** stated the bike trails are not meant to be drivable.

**Luthy** stated that equipment much larger than a bobcat had been used on the pond.

*Sands motioned to continue the Whisper Ridge Conditional Use Permit Revocation Review for 30 days; Gunnell seconded; Passed 5, 0.*

**Harrild** asked for some clarification on the timeline the Planning Commission is wanting for the applicant.

**Commissioners** discussed the compliance with the pond and the bike trails and how to bring that into compliance. Compliance for those issues and a third amendment cannot happen until the damage to the area can be reviewed in the spring.

**06:43:00**

#### **#6 Elections for Chair and Vice Chair**

*Watterson motioned to nominate Nolan Gunnell as chair and Chris Sands as vice chair; Spackman seconded; Passed 4, 1 (Gunnell voted nay).*

**Staff Reports**

**Luthy** further described the area disturbed to create the pond.

**6:55:00**

**Adjourned**