



PLANNING COMMISSION MINUTES

4 June 2020

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Present: Chris Harrild, Angie Zetterquist, Phillip Olsen, Lane Parker, Brady Christiansen, Nolan Gunnell, Chris Sands, Brandon Spackman, Jason Watterson, John Luthy, Megan Izatt

Start Time: 05:31:00

Gunnell called the meeting to order and **Parker** gave the opening remarks.

05:33:00

Agenda

No changes

05:34:00

Minutes

Christensen motioned to approve the minutes from May 7, 2020; *Watterson* seconded; **Passed 6, 0.**

05:34:00

Consent Agenda

1. Kurtis E. Falslev Conditional Use Permit – Request for Extension

2. Cache County North Facility CUP Condition Update

05:35:00

Olsen arrived.

Watterson motioned to approve the consent agenda items; *Sands* seconded; **Passed 7, 0.**

05:35:00

Regular Agenda

3. West Canyon Ranch Processing Conditional Use Permit - continued

Luthy reviewed the legal analysis for the West Canyon Ranch Processing conditional use permit (CUP) and the Cache County Agritourism Code. Domesticated elk hunting is an agricultural use and is the primary use of the land; it can also be defined as agritourism. Meat processing can be agritourism as long as it is a small processing plant and is secondary to the primary use. As far as a meat processing facility qualifying as an agricultural structure that may be built on an agricultural remainder, the agricultural remainder restriction can be lifted by the Planning Commission.

Staff and **Commission** discussed if the facility is regulated by the USDA, allowing a processing facility on an agricultural remainder, small scale operation and what qualifies as small scale. The time frame of when the hunting and processing would occur was discussed.

Staff and **Commission** discussed if the processing could be considered agricultural manufacturing, building a structure on an agricultural remainder, and requiring the applicant to do a subdivision amendment to build the structure. The bridge on West Canyon Road and the road itself were discussed.

Luthy informed the **Commission** that agricultural manufacturing and agricultural tourism can overlap but it has to be small scale agritourism.

Jason Summers stated the processing needs to be onsite. The main operation of the ranch is ranching. Hunting is a secondary to the ranching.

Harrild informed the **Commission** that agricultural manufacturing is not allowed in the FR40 and would require a zoning change.

Mr. Summers stated there is oversight from the Utah Department of Agricultural.

Watterson asked the number of elk that would be processed.

Mr. Summers stated 30-50 elk.

Sands stated that would most likely become a condition.

Mr. Summers responded he would prefer the condition be done as a time frame instead of a number of animals.

Sands stated the number of animals is something that could be brought back before the Commission to be changed if needed.

Mr. Summers commented that onsite processing would also make the number of trips up and down the road less because they won't need to leave the land to process the meat.

Parker asked where the offal stored and how is it removed.

Mr. Summers stated all the offal has to be bagged and put into a dumpster to be removed.

Zetterquist asked if there are day trippers that come to the operation.

Mr. Summers responded typically people book for 2-3 days for elk hunt. There is some day hunting for birds but most hunters stay on site overnight.

Gunnell asked if every hunter uses the facility.

Mr. Summers stated some of the hunters put the carcass in a cooler to take home and cut up. There will be a walk-in cooler for the carcasses, a room for cutting it up, and a cooler.

Spackman asked if there is a limit on the number of animals that can be hunted.

Mr. Summers stated their business model is small hunting parties.

Spackman asked if they could possibly shoot 100 animals in a day.

Mr. Summers stated in theory they could but that is not the business model. Currently there are 60-70 hunters booked for this year.

Sands commented that is not a lot of trips.

Mr. Summers stated their business model is small hunting trips that include privacy and being able to hunt.

Robert McConnell commented on the building meeting the code and on the court case referenced by Mr. Luthy in his legal review. If the hunting was not happening on the land there would be no need for the meat processing facility and that makes it an expressly authorized use. Mr. McConnell also commented on parking, the road, and small scale operation.

Luthy stated the real crux of the issue is the agricultural remainder and if it qualifies as a structure. For it to qualify as an agricultural structure it needs to be an incidental use to the primary use.

Commission discussed if the elk hunting qualifies as agriculture and, if so, does the processing qualify as an incidental use.

Zetterquist reviewed agricultural remainders.

Commission discussed the agricultural remainder and possibly setting a precedent by not requiring a subdivision amendment.

Mr. Summers pointed out on the parcel map the location for the proposed processing facility and reviewed the history of the property.

Sands commented that an easy solution would be a subdivision amendment to either make a bigger lot 1 or create another buildable lot.

Harrild informed the **Commission** what doing a subdivision amendment would require if another lot was created.

Mr. Summers informed the **Commission** that Lot 1 is not included in the CUP and he does not want to include it in the CUP.

Commissioners discussed the possibility of a zone change and the impacts of that.

Luthy informed the **Commission** that whether or not this is small scale is the commission's discretion. Whether or not this is incidental to elk hunting, that is a legal question that the commission doesn't have discretion on.

Mr. McConnell asked if a subdivision plat amendment is a legislative decision or administrative?

Harrild stated administrative.

Mr. McConnell asked that the commission make a decision based on what is before them tonight.

Christensen motioned to continue the West Canyon Ranch Processing Conditional Use Permit to the July meeting in the direction of this operation being defined as Agritourism, that processing of the elk is incidental to the domestic elk hunting use, that a meat processing facility has been determined to be a small scale operation per the Agritourism definition, and the meat processing facility is an agricultural structure allowed on an agricultural remainder. *Watterson* seconded; **Passed 7, 0.**

07:06:00

4. Swift Beef Company Conditional Use Permit Amendment

Zetterquist reviewed the staff report for the Swift Beef Company Conditional Use Permit (CUP) Amendment.

Staff and **Commissioners** discussed waste and the existing onsite process.

Sands motioned to approve the Swift Beef Company Conditional Use Permit Amendment based on the findings of fact with the stated conditions and conclusions; *Parker* seconded; **Passed 7, 0.**

07:10:00

5. Gibbons Green Gate Farm Conditional Use Permit

Zetterquist reviewed the staff report for the Gibbons Green Gate Farm Conditional Use Permit (CUP).

Staff and **Commissioners** discussed parking.

Jared Gibbons commented on parking, water, septic and stated that they are waiting to see which conditions will be required to determine if continuing the operation is financially feasible. Improving the roads is not financially feasible.

Christensen asked if Mr. Gibbons has talked to the County about access.

Mr. J. Gibbons responded no.

Tom Gibbons commented on access.

Mr. J. Gibbons commented on off street parking, health inspections, public welfare requirements for agritourism, and how some of the conditions are not economically feasible.

Andrea Collinsworth commented in support and how changing parking and roads takes away the charm.

Megan Maples commented in support of the business and on the proposed traffic light being added to 4600 north and how that will increase traffic more than this business.

Kathleen Capels commented in support of the business, on the road, and how requiring lighting could create light pollution for the area.

Ben Harker commented as a representative of the Health Department and that the current septic system is adequate. He also commented in support of the business as a community member.

Matt Phillips commented as the public works director on the road and that the requirements are minor safety improvements to the shoulders and access to the property and for fire access.

Mr. T. Gibbons commented on water drainage and how there is no shoulder on 800 west because of the drainage ditch.

Louise Griffiths Johnson commented in support of the business.

Luthy commented that the county has to follow its own laws and minimum road standards improvement costs have to be borne by the property owner.

Staff and **Commissioners** asked about requiring the property owner to bring the road to standard.

07:54:00

Watterson motioned to extend the meeting until 8:20 pm; *Olsen* seconded; **Passed 7, 0.**

Commissioners encouraged the applicant to talk with staff about what is required.

Mr. J. Gibbons stated that they have tried to work with staff and have received no response from the staff for inspections and other items.

Harrild commented that staff has worked with the applicant for 4 years and is willing to try and make the conditions function.

Parker motioned to approve the Gibbons Green Gate Farm Conditional Use Permit based on the findings of fact with the conditions and conclusions as stated; *Watterson* seconded; **Passed 7, 0.**

08:02:00

6. Whisper Ridge Conditional Use Permit Revocation Review Update

Jason Rickards updated the Commission on the Whisper Ridge CUP.

Watterson motioned to continue the Whisper Ridge Conditional Use Permit Revocation Review Update to the July 9, 2020 meeting; *Spackman* seconded; **Passed 7, 0.**

08:06:00

7. Jay R's Auto and Salvage Conditional Use Permit Revocation Review Update

Zetterquist informed the Commission that there is no update because staff has not heard anything from the owner or the agent of the person wanting to buy the property.

Staff and **Commission** discussed enforcement and how that happens.

Parker motioned to revoke the Jay R's Auto and Salvage Conditional Use Permit based on the findings and conclusions identified in the staff report; *Sands* seconded; **Passed 7, 0.**

Harrild stated the County is continuing to clean up the Conditional Use Permits and there could be more revocations coming forward in the future.

Staff and **Commission** discussed how information is given to the Commission from staff for applications.

Parker** motioned to continue the meeting until 8:30; **Spackman** seconded; **Passed 7, 0

Phillips reviewed road information for the commission and why requirements for what property owners need to do for road improvements are important.

Staff and **Commissioners** discussed requiring property owners to meet County code requirements for road improvements and impact uses.

Luthy informed the Commission that the County resolution regarding roads has pending litigation. The County Council is likely to remove that resolution and take other measures regarding road improvements, funding, and maintaining those improvements.

Staff and **Commissioners** discussed how to minimize missed opportunities for road improvements based on impacts and gathering information on the current roads. While some of the conditions regarding roads can be burdensome, the County needs to try and enforce those conditions to help make the roads safer and easier to maintain.

08:44:00

Adjourned