



**Planning Commission Minutes**

**2 December 2021**

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**Present:** Angie Zetterquist, Chris Harrild, Tim Watkins, Brady Christensen, Chris Sands, Melinda Lee, Phillip Olsen, Brandon Spackman, Lane Parker, Nolan Gunnell, Taylor Sorensen, John Luthy & Matt Phillips.

**Start Time: 05:30:00**

**Spackman** called the meeting to order. Phil Olsen's ten year service appreciated as he will no longer be on the commission. **Olsen** gave the opening remarks.

### Agenda

Approved with no changes.

### Minutes

***Parker** motioned to approve the minutes from November 4, 2021; **Melinda Lee** seconded; **Passed 6, 0.***

### Consent Items

**Zetterquist** reviewed and addressed the comments received for items #1 and #2 and stated both items meet the requirements for the consent agenda

#### #1 Mark Stewart Subdivision 2<sup>nd</sup> Amendment

***Olsen** motioned to approve the consent agenda based on the findings and conclusions as written; **Lee** seconded; **Passed 6, 0***

### Regular Action Items

#### #2 Reminder

**Staff** reminded the Commissioners of the new State mandated annual required training hours. Training has to be completed by January 2022 for current PC board to participate.

#### #3 Public Hearing (5:35 PM): Lewis Rezone

**Zetterquist** reviewed the staff report for the Lewis Rezone.

***Sands** motioned to open the public hearing for the Lewis Rezone; **Parker** seconded; **Passed 6, 0***

**Emili Culp** – Agent for parents/owners of Lewis Rezone application. Owners initially sought to annex into Hyrum, but after negotiations failed are looking to rezone.

**Jeannie Brunson** – Emili Culp's sister, here to support opportunity to use land. Says family is not interested in maximum development.

**Matt Holmes** – Hyrum City Engineer. He confirms yearlong process of working with Lewis'. Future development is taken into account of this land and other land owners. City is opposed to the rezone, would be better served as a City development.

**Steve Miller** – Neighbor to Lewis, but is supporting Hyrum City’s effort to work with land owner and wants to see future development in line with City master plan.

**Stephen Morrey** – Hyrum resident concerned with continuity and traffic patterns. Pedestrian & bicycle traffic often found along this area and would be a concern for future development for safety reasons.

**David Culp** – Supports Lewis Rezone. Land was purchased 17 years ago when area was not developed. As time passed new homes built under permission of Hyrum city to the current population of this area. He asks why this request is not granted same allowances enjoyed by current homeowners.

**Michael Nelson** – Resident near Lewis’ and felt the city worked with home owner. Does not support Lewis rezone due to density. Road issues would reduce property frontage and create a hazard. Recommends larger lots and less density.

**Joni Miller** – Made clarification to lot size. Has lived there for 31 years and found only 3 to 4 additional homes have been added in that time.

**Emili Culp** – Responds to comments. Shared that city required a major collector road be paid for by Lewis’ at millions of dollars to provide, yet no access to that road. Other changes were made by city per agreement.

*Christensen motioned to close the public hearing; Sands seconded; Passed 6, 0.*

**Commissioners** discussed the rezone’s impact on the surrounding area and Hyrum’s position on the request.

*Christensen motioned to recommend denial to the County Council for the Lewis Rezone; Parker seconded; Passed 6, 0.*

#### **#4 Public Hearing (5:50 PM); Brooks Hansen Smithfield West Rezone**

**Zetterquist** reviewed the staff report for the Brooks Hansen Smithfield West Rezone.

*Olsen motioned to open the public hearing for the Brooks Hansen Smithfield West Rezone; Lee seconded; Passed 6, 0*

**Brooks Hansen** commented on the history of the property and a previous rezone request. Previously denied, but completed road improvements for residence and looking to rezone again.

**Jeff Barnes** commented as Mayor of Smithfield. Stated the city did not comment by letter prior to meeting as they are not anticipating annexing in this area as the railroad tracks obstruct connection city services to this area.

*Sands motioned to close the public hearing; Christensen seconded; Passed 6, 0*

**Commissioners** and **Staff** discussed the RU2 zone, the history of the subject property, and the expansion of Smithfield City boundaries since the previous request.

*Sands* motioned to recommend approval to the County Council for the Brooks Hansen Smithfield West Rezone based on the findings of fact and conclusions; **Parker** seconded, **Passed 6, 0**.

**#5 Public Hearing (6:05 PM); Cub River Estates I Rezone**

**Zetterquist** reviewed the staff report for the Cub River Estates I Rezone recommending denial due to access and excessive slope.

**Commissioners** discussed access due to the steep slopes and recommended a continuance to allow applicant to confirm access.

*Parker* motioned to open the public hearing for the Cub River Estates I Rezone; **Sands** seconded; **Passed 6, 0**

**Todd Davis** commented as the owner of the property that he had an engineer review the slope and potential access and the engineer said it was possible, but engineer not in attendance.

*Christensen* motioned to close the public hearing; **Olsen** seconded; **Passed 6, 0**

**Commissioners** requested applicant provide staff with analysis confirming access will meet the requirements of the Road Manual.

*Christensen* motioned to continue the item for up to 90 days to allow the applicant to work with staff on confirming the access; **Lee** seconded; **Passed 6, 0**

**#6 Public Hearing (6:20 PM); Cub River Estates II Rezone**

**Zetterquist** reviewed the staff report for the Cub River Estates II Rezone.

*Parker* motioned to open the public hearing for the Cub River Estates II Rezone; **Sands** seconded; **Passed 6, 0**

**Todd Davis** commented that the land is currently a feed lot for cattle and is no longer suitable for agricultural purposes. Land is better used for homes.

*Christensen* motioned to close the public hearing; **Lee** seconded; **Passed 6, 0**

**Commissioners** discussed the rezone request.

*Sands* motioned to recommend approval to the County Council for the Cub River Estates II Rezone based on the findings of fact and conclusions; **Parker** seconded; **Passed 6, 0**

**#7 Valley View Self Storage Conditional Use Permit**

**Watkins** presented the previously approved site plan and elevations. Applicant is proposing changes to the exterior elevation from masonry to metal due to masonry materials not available in near future.

**Nathan Daus** commented on supply chain issues for masonry materials and delay will negatively impact their development schedule.

*Olsen* motioned to approve the modification of materials; *Christensen* seconded; **Passed 6, 0**

**John Luthy** reminded public of State and County Code requirements of Conditional Use Permits.

**#8 Hollow Ridge RV Campground Conditional Use Permit**

**Watkins** reviewed the staff report for the Hollow Ridge RV Campground Conditional Use Permit.

**Christensen** asked staff questions regarding the proposed use including site development, access from the public road, and whether a fence is required.

**Parker** asked staff if there was a fire containment plan.

**Staff** responded that the fire marshal had reviewed and commented on the CUP and stated there would be additional restrictions in place in high fire season. Confirmed that Cache County will provide fire and police protection.

**Jeff Barnes** read letter from Smithfield City opposing the CUP.

*Sands* motioned to extend the meeting to 9:00 PM; *Lee* seconded; **Passed 6, 0**

*Sands* motioned to open the meeting to public comment; *Christensen* seconded; **Passed 6, 0**

**Nate Whittaker** commented that he applied for Annexation to Smithfield but was denied. He has read all the concerns and comments from public. Concerns would be mitigated if a camp host could stay on site longer than 30 days. Cache County will respond to any fire issues, also working with Smithfield City. Water well has been dug and provides sufficient pressure for fire response. Will comply with additional recommendations. Providing a sewer dump encourages visitors to stay longer. If shower facility is recommended he would comply. Water holding tank is agreeable to install. Gravel road initially proposed but would upgrade to solid road material.

**Ted Stokes** commented that he was acting on behalf of the majority of neighbors present in the audience and requested longer time to comment. Recommends denial of the CUP as there is no proposed 24 hour surveillance, will result in a drastic increase of gun range usage as there are no other amenities in the area, negative impacts of odor, smoke, & air quality on adjacent property owners, potential for significant noise impact on the surrounding community from 64 campsites, traffic increase, various vehicle usage (motorcycle, 4 wheelers, razors, cars, trucks, bicycle, scooters), drug or alcohol usage by patrons of the campsite leading to increase of criminal activity in surrounding neighborhoods, detriment of visual (natural land) impairment. Commented that the potential negative impacts from the proposed use cannot be mitigated and the CUP must be denied.

**Lindsay Black** – Smithfield resident near RV property. Not in favor of CUP passing. High pedestrian impact due to school children that are walking to/from school. No busses are in this area

**Sue Anne Matthews** – Nearby resident to the RV property. Not in favor of CUP. Inquired if property owner has permission to access the RV property from the adjacent property owner where the road is located. Camp site host would help, but is not allowed.

**Darryl Benson** – Smithfield resident commented that there are only 3 dump stations in Cache Valley. Commented that he had operated a RV campground years ago and that facility was required to have leach fields as well as a 6” water line. Observed that vehicles do not obey the speed limits in this area and large trailers and RVs will not be able to stop in time if a child runs into the road.

**Katie Hanks** asked if digging another well allowed and if the property owner has sufficient water rights. Asked what jurisdiction is responsible to respond to emergency calls at the campground. Commented that there is currently not enough emergency service manpower to answer calls already needed from Smithfield residents in that area.

**Nate Whitaker** responded to the public comments. Current plan is for 40 sites. If campground was successful, then he plans to add 10-12 more sites. Commented that the public made a lot of assumptions about the number of people, gun use, and disruptions. His intention was to have a place for professional short term use, such as travel nurses. The busiest time would be in summer months when children are not at school.

**Commissioners** closed public comment and discussed issues and concerns raised.

**Parker** remarks there is no provision for a water holding tank or how large it should be. Suggests condition on holding tank for either potable water or fire prevention. Above ground or underground? Review 24hr/30day ordinance for Camp host.

**Spackman** reviewed the concerns of the public. Concludes that project is a good thing, but in the wrong area due to current surroundings and established neighborhood. Question of phases to add campsites would have to come back to Planning Commission. Solution could be to limit sites requested.

**Christensen** recommends asphalt pavement throughout campground if approved and would consider a condition requiring a containment fence. Asked if the number of camp sites can be limited based on water availability.

**Lee** states that she understands concerns from citizens. Issue of increased smoke and traffic is not compelling enough to deny CUP. Water availability is part of the conditions of approval for this application. States there is a collective desire of the Commission to see a 24 hr./30day on-site camp host.

**Chris Sands** stated his main concern is the lack of a dump station on site. Would consider requiring an on-site dumping facility or a service truck to come and serve campers. Health department would have a perspective on this.

**Harrild** responded that an on-site dump was not on original CUP and the Bear River Health Department has not been consulted about requirements for a dump station. Noted areas of concern throughout this discussion. Recommends Commission to draw up clarifications to resolve concerns as noted throughout public comment during meeting. Fire district has been consulted and their recommendations are respected in CUP. Consider office-on-site clause to amend conditional use for campsite host. Clarification needed on whether 30 day residence refers to person or vehicle parked on camp site.

**Gunnell** commented that the increase traffic use is concerning as it is located near an elementary school. Traffic impact study may influence decision.

**J. Barnes** confirms that Smithfield City will not provide any resources for the proposed RV campground.

*Christensen* motioned to continue the item up to 90 days to allow time for applicant to provide additional information to staff for review; **Sands** seconded; **Passed 6, 0.**

*Parker* motioned to extend the meeting to 9:30 PM; **Sands** seconded; **Passed 6, 0**

### **#9 Holyoak Airport Conditional Use Permit**

**Harrild** reviewed the prior 2016 CUP conditions. Staff recommendation is to postpone to the January or February 2022 Planning Commission Meeting. Action on revoking CUP delayed to give Holyoak airport representative and Staff time to respond to additional information.

**John Luthy** advised Commission on how to determine CUP compliance.

*Sands* motioned to extend meeting to 10pm; **Christensen** seconded; **Passed 6, 0.**

*Parker* motioned to open hearing to public comment; **Christensen** seconded. **Passed 6, 0.**

**Joe Chambers** – Represent owners Nathan & Rachel Holyoak – Landing strip application was designed for most demanding aircraft. Evidence produced that air strip is used more than once a year by less demanding aircraft. Cache County Code was reviewed for understanding and clarification. Landing strip can be placed at an angle to not impede property structure. Revoking CUP is assumed that most demanding aircraft is being used. Joe complains that Planning Commission is acting out of authority to present a revocation. Joe was asked if he read the Planning Commission packet with Staff review of meeting items. He responded that he did not read the P.C. packet provided for this meeting.

**Luthy** commented that Chris Harrild is not acting as an attorney representative, but as staff of Development Services. Code language clarified and requests clear intent by applicant. Recommends continuance so applicant & staff have time to respond.

**Rachel Holyoak** commented that she is confused on Staff requirements. Needs clarification to see if amendment is needed.

**Harrild** responded that an application for amendment to CUP could be done, unless the revocation is imminent.

**Luthy** commented that it would be helpful if applicant would clearly state what is possible as alternative to meet standards of CUP. Regulation is result for fair countywide decisions.

*Parker* motioned to extend meeting to 10:30 PM; **Lee** seconds; **Passed 6, 0**

**Dan Dygert** commented that he has sworn testimony that landing strip has not been used in 4 years. Applicant should provide proof that landing strip has been used. FAA may need to clarify comments.

**Jason Rich** quoted from original CUP approval that development rights of surrounding properties would take precedence over landing strip request. Concerned that airport is taking priority over surrounding homeowners.

**Nate Benson** – Neighbor near landing strip. Has lived through the entire Holyoak CUP process. Witnessed a ‘Cub’ land only a couple times, after which landings were done on County road. Witnessed a hanger getting built when it seemed an irregular structure outside covenants approved for that area. Surrounding lots had CCR’s to build nice homes with no way amend CUP without agreement to Circular.

**Tina Howard** – Next door neighbor to airstrip. Date FAA recorded the airport, is not in 2020. Barros and Rupert’s are other two neighbors whose boundaries could conflict with structures close to Holyoak properties. Stated that Nate Benson’s comment of Cub landing on propeller was not reported to FAA.

*Parker motioned to continue item up to 90 days to have specifics on areas of concern and provide evidence of air strip use over the last 12 months; Sands seconded; Passed 6, 0*

### **#10 Discussion: Amending the Use Related Definition, 5810 Private Airport**

**Harrild** reviewed staff report and need to address amending the definition.

**Gunnell** commented that an overlay zone may be a solution for small private airports.

**Lee** commented that noise levels of tolerance are different, for different people. Zoning conditions should be pursued, for example, an RPZ.

*Parker motioned to extend meeting to 10:45pm; Lee seconded; Passed 5, 1 (Olsen opposed)*

### **#11 Elections for Chair and Vice Chair**

**Commissioners** discuss filling positions for Chair and Vice Chair.

*Christensen motioned to nominate Chris Sands as Chair; Lee seconded; Passed 5, 1 (Sands opposed)*

*Olsen motioned to nominate Melinda Lee as Vice Chair; Christensen seconded; Passed 6, 0*

**Adjourned at 10:45pm**